

**DESERT WATER AGENCY  
SEPTEMBER 5, 2017**



**BOARD OF DIRECTORS  
REGULAR MEETING AGENDA**

**REGULAR MEETING 8:00 A.M. OPERATIONS CENTER - 1200 SOUTH GENE AUTRY TRAIL – PALM SPRINGS – CALIFORNIA**

*About Desert Water Agency:*

Desert Water Agency operates independently of any other local government. Its autonomous elected board members are directly accountable to the people they serve. The Agency is one of the desert's two State Water Contractors and provides water and resource management, including recycling, for a 325-square-mile area of Western Riverside County, encompassing parts of Cathedral City, Desert Hot Springs, outlying Riverside County and Palm Springs.

- 1. PLEDGE OF ALLEGIANCE**
- 2. EMPLOYEE INTRODUCTIONS** **KRAUSE**
- 3. APPROVAL OF MINUTES – August 1, 2017** **CIOFFI**
- 4. GENERAL MANAGER'S REPORT** **KRAUSE**
- 5. COMMITTEE REPORTS – A. Conservation & Public Affairs – August 2, 2017** **CIOFFI**
- 6. PUBLIC INPUT:**  
Members of the public may comment on any item not listed on the agenda, but within the jurisdiction of the Agency. In addition, members of the public may speak on any item listed on the agenda as that item comes up for consideration. Speakers are requested to keep their comments to no more than three (3) minutes. As provided in the Brown Act, the Board is prohibited from acting on items not listed on the agenda.
- 7. ITEMS FOR ACTION**  
A. Request Authorization of Director Fees/Expense Reimbursement Incurred by Secretary-Treasurer Bloomer (CSDA Committee Member Interest) **KRAUSE**
- 8. ITEMS FOR DISCUSSION**  
A. July Water Reduction Figures **KRAUSE**  
B. Update on Pending Legislation **METZGER**  
C. Director's Report on NWRA Conference Attendance **CIOFFI**
- 9. OUTREACH & CONSERVATION** **METZGER**  
A. Media Information  
B. Activities
- 10. DIRECTORS COMMENTS AND REQUESTS**
- 11. CLOSED SESSION**  
A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Name of Case: Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al  
B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Name of Case: Agua Caliente Band of Cahuilla Indians vs. County of Riverside, et al  
C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Name of Case: Mission Springs Water District vs. Desert Water Agency
- 12. RECONVENE INTO OPEN SESSION – REPORT FROM CLOSED SESSION**
- 13. ADJOURN**

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting is asked to contact Desert Water Agency's Executive Secretary, at (760) 323-4971, at least 48 working hours prior to the meeting to enable the Agency to make reasonable arrangements. Copies of records provided to Board members which relate to any agenda item to be discussed in open session may be obtained from the Agency at the address indicated on the agenda.

# Desert Water Agency REGULAR BOARD MEETING September 5, 2017

The following employees are scheduled to attend and be introduced to the Board of Directors at the September 5, 2017 Board Meeting:

Name	Date Employed	Classification/Department
Luis Hernandez	January 23, 2017	Water Service Worker I
Rafael Cespedes	January 30, 2017	Water Service Worker I
Nadia Arriaza	January 30, 2017	Account Clerk/ Telephone Operator

**MINUTES  
OF THE REGULAR MEETING  
OF THE  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**August 1, 2017**

DWA Board:	James Cioffi, President )	<b>Attendance</b>
	Joseph K. Stuart, Vice President )	
	Kristin Bloomer, Secretary-Treasurer )	
	Patricia G. Oygur, Director )	
	Craig A. Ewing, Director )	

DWA Staff:	Mark S. Krause, General Manager )
	Steve Johnson, Asst. General Manager )
	Martin S. Krieger, Finance Director )
	Sylvia Baca, Asst. Secretary of the Board )
	Irene Gaudinez, Human Resources Mgr. )
	Ashley Metzger, Outreach & Conserv. Mgr. )

Consultant:	Michael T. Riddell, Best Best & Krieger )
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Public:	David Freedman, P.S. Sustainability Comm. )
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17889. President Cioffi opened the meeting at 8:00 a.m. and asked everyone to join Director Ewing in the Pledge of Allegiance. **Pledge of Allegiance**

17890. President Cioffi called for approval of the July 18, 2017 Regular Board meeting minutes. **Approval of 07/18/17 Regular Board Mtg. Minutes**

Vice President Stuart moved for approval. After a second by Director Ewing, the minutes were approved as written

17891. President Cioffi called upon General Manager Krause to provide an update on Agency operations. **General Manager's Report**

Mr. Krause stated on July 17 at approximately 8:40 a.m. Asst. Construction Superintendent Kuhlman responded to a call regarding damage to the Agency's 16" ductile iron sewer force main on Date Palm Drive, south of Gerald Ford Drive. Riverside Construction Company, Inc., performing work related to the Date Palm Bridge Widening Project hit the force main while installing a storm drain pipeline, causing a 4" x 2" hole. The sewer line had been properly marked by our utility locator and the Agency also spoke

Date Palm Drive Sewer Main

to the contractor prior to their work, requesting that the Agency be notified so that we could observe the work while they excavated. The contractor did not do this. The contractor admitted full responsibility and also acknowledged that he was asked to contact the Agency before exposing the sewer main. DWA personnel immediately arranged for 3 pumping trucks to pump from the Date Palm lift station, transporting the sewage to a designated sewer manhole at the west end of Gerald Ford Drive. Riverside Construction assisted with the repair by excavating and exposing the sewer line. They also provided shoring equipment. Agency crews completed the repairs at approximately 6:00 p.m. All of the sewage was contained within the excavated area and within a contained area on the street. The soil was also removed from the site and clean fill was used to backfill the hole. No sewage was spilled from the lift station.

Mr. Krause provided a report for the Facilities & Safety department: 1) Allen Fence Construction completed the work for the fence projects at Wells 25 and 34 on July 19; 2) On July 26 at approximately 4:30 p.m. a vehicle crashed into the Agency's signage at the Dinah Shore entrance. Best Signs is providing an estimate for repairs; and 3) The Agency's carpeting project is scheduled to begin on August 19.

Facilities &amp; Safety

Continuing his report, Mr. Krause stated as of July 26, the Whitewater Hydro Plant has generated 533,968 kWh and staff had anticipated generating approximately 685,500 kWh for the entire month. The plant has been offline for a total of 90 hours this month due to SCE power equipment problems. For the year, there have been 8 power interruptions resulting in approximately 158 offline hours or 158,000 kWh the plant was not able to generate. This equates to approximately \$14,000 in loss revenues.

Whitewater Hydro  
Update

Mr. Krause provided on update from DWR on construction work for the Lake Oroville Spillways Emergency Recovery Project.

Lake Oroville  
Spillways Update

Mr. Krause then provided an update from SWC on the Perris Dam Seismic Remediation of Embankment.

Perris Dam Seismic  
Remediation Update

Concluding his report, Mr. Krause noted the current system leak data, and meetings and activities he participated in during the past several weeks.

System Leak Data,  
General Manager's  
Meetings & Activities

17892. President Cioffi noted the minutes for the July 25, 2017 Executive Committee were provided in the Board's packet.

Committee Reports  
Executive 07/25/17

17893. President Cioffi opened the meeting for public input.

Public Input

There being no one from the public wishing to address the Board, President Cioffi closed the public comment period.

17894. President Cioffi called upon Assistant General Manager Johnson to present staff's request for Acceptance of Constructing Zone 1240 Booster Plant (Desert Palisade tract).

**Item for Action:**  
Acceptance of  
Work/Zone 1240  
Booster Plant

Mr. Johnson stated all construction work performed by Cora Constructors has been completed. He noted the change order issues and that the adjusted contract amount is \$750,009.88. No stop notices have been filed. Staff recommends the Agency accept said work in the amount of \$750,009.88. Subsequent to Board acceptance, a notice of completion will be filed and thereafter, following the lien period, the Agency will release retained funds in the amount of \$37,500 to Cora Constructors.

President Cioffi moved to approve staff's recommendation. After a second by Director Ewing, the motion carried unanimously.

17895. President Cioffi asked Agency Counsel Riddell to provide a report on the July 20, 2017 Board of Directors meeting of the State Water Contractors, Inc.

**Discussion Items:**  
07/20/17 SWC Mtg.

Mr. Riddell provided a report on the following items: 1) Retirement Resolution, 2) Summary of Ongoing Contractual Arrangement, 3) Water Supply Report, 4) Statement of Charges, 5) Action Items, 6) Business Process Objectives, and 7) General Counsel's Report.

17896. President Cioffi asked General Manager Krause to present his report on the California WaterFix (Operations White Paper #2).

California WaterFix  
(Operations White Paper  
#2)

Mr. Krause stated the majority of information presented in the second white paper is applicable to all State Water Contracting Agencies. However, there are certain sections that are relevant only to MWD. One such section are the two tables shown on page 12 of the report. MWD used a number of modeling studies from the 2015 Delivery Capability Report to generate this data. Separate copies of these tables have been provided with the data exchanged to reflect DWA allocations using ratios of data from the aforementioned table.

Continuing his report, Mr. Krause noted a spreadsheet showing the actual deliveries to DWA and CVWD starting at 2005 through 2016. It also shows an estimated 2017 delivery based on current recharge rates and projected deliveries through 2024 based on the average actual water delivery SWP allocations from 2005-2016 which is 45%. At an average 45% allocation, our water delivery is calculated to be 25,088 acre-feet. After approximately 7% is diverted to the Mission Creek Sub-basin 23,331 acre-feet is diverted into the Whitewater Sub-basin for recharge.

17897. President Cioffi noted that Board packets included Outreach & Conservation reports for July 2017. Outreach & Conservation – July 2017
17898. Director Ewing noted that he will attending the September CSDA conference in Monterey. Directors Comments/Requests
17899. At 9:55 a.m., President Cioffi convened into Closed Session for the purpose of Conference with Legal Counsel, (A) Existing Litigation, pursuant to Government Code Section 54956.9 (d) (1), Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al; (B) Existing Litigation, pursuant to Government Code Section 54956.9 (d) (1), ACBCI vs. County of Riverside, et al; (C) Existing Litigation, pursuant to Government Code Section 54956.9 (d) (1), Mission Springs Water District vs. Desert Water Agency; (D) Real Property Negotiators, pursuant to Government Code Section 54956.8, Property-0.504 acre west of Indian Canyon Drive between Racquet Club Rd. and Via Olivera, Agency Negotiators: Mark S. Krause, General Manager and Steven L. Johnson, Assistant General Manager, Negotiating Parties: DWA and Ayres Advisors, Under Negotiation: Price and terms; and (E) Real Property Negotiators, pursuant to Government Code Section 54956.8, Property: Conveyance of Property, APN No. 687-030-019 to City of Cathedral City and Conveyance of Easement APN No. 677-402-021 to City of Cathedral City, Agency Negotiators: Mark S. Krause, General Manager and Steven L. Johnson, Assistant General Manager, Negotiating Parties: DWA and City of Cathedral City, Under Negotiations: Terms.
17900. At 10:24 a.m., President Cioffi reconvened the meeting into open session and announced there was no reportable action. Reconvene –No Reportable Action
17901. In the absence of any further business, President Cioffi adjourned the meeting in memory of Harold James (Jim) Hicks, Jr. at 10:25 a.m. Adjournment in Memory of Jim Hicks

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James Cioffi, President

ATTEST:

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Kristin Bloomer, Secretary-Treasurer

## GENERAL MANAGER'S REPORT SEPTEMBER 5, 2017

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On July 31 at approximately 8:00 p.m. stand-by responded to a hit fire hydrant at Beverly Dr. and Guadalupe Rd. Staff was able to reinstall the fire hydrant and put it back into service. The hydrant was hit by a drunk driver. A police report was made. The water loss was a fully open 6 inch bury for approximately 30 minutes.



On August 14 at approximately 12:40 p.m. Construction staff responded to a hit service on 303 Sunny Dunes Rd. It was hit by Borden Excavating, Inc. This service was marked properly by our locator. Staff was able to get the water off, make repairs and put it back in service. The water loss was from a one-inch galvanized service line fully open for approximately 20 minutes.





## **Facilities & Safety Update**

### **Operations Center Carpet Replacement**

On August 18, DWA Construction crews prepared 5 areas of the operations center for carpet replacement. Those areas included AGM and HR offices, the Mail Room, Engineering Conference room, and the main employee entrance hallway.

The “Works Floor & Wall” began the replacement of carpet on Friday, August 18<sup>th</sup> and finished the installation on Saturday the 19<sup>th</sup>. Another crew from “The Works” simultaneously replaced the stair treads in the break room hallway. There is a minor list of corrections and details that are currently being worked out.

### **Public Restroom Project**

Staff is currently working on costs to construct a 10’x10’x11’ restroom, to be located on the east side of the Operations Center building. Preliminary costs for architectural services, to include design and plans are approximately \$5,300. Preliminary construction costs, to include permits, pad certification, foundation installation, and constructing the structure are approximately \$25,000. On site work by DWA forces, to include site grading, electrical, water, and sewer connections will be approximately \$15,000. The overall budget for the project is \$115,000.



### **SCBA Training**

On August 31, employees from our Construction and Operations Departments participated in advanced training on the operation of all the components of the new Scott SCBA equipment upgrades. This training was conducted by Chuck Hudson of National Safety Services Inc. New radio and Bluetooth communications devices, buddy breathing system connections, a long-term cascaded breathing bottle cart system, and other new safety system components are included in the upgrades.

## 2016/2017 REPLACEMENT PIPELINES PROJECT UPDATE

As of August 31:

### AREA 1 (W. Paseo El Mirador, E. Paseo El Mirador, Pasatiempo Rd., Linda Vista Rd.):

All pipelines and appurtenances have been completed for Area 1 and the pipelines were accepted by the Agency on August 7, 2017. DWA forces have tied over all services to the new 8" mains and the existing mains have been abandoned. All base paving has been installed in Area 1 as well. The City of Palm Springs will be performing paving rehabilitation on Linda Vista Rd., therefore eliminating the need to install a final cap on that street. The Contractor still has punch list items to complete in Area 1 and will address these items within the next couple of weeks.

### AREA 4 (SUNNY DUNES RD.):

All pipelines and appurtenances have been completed for Area 4 and the pipelines were accepted by the Agency on August 28, 2017. DWA forces are currently in the process of tying over all services and fire services, installing backflows as needed, etc. Upon completion of all tie-overs, DWA forces will abandon the existing 10" main from Palm Canyon Dr. to just west of Calle Palo Fierro. Our construction superintendent anticipates all DWA work being completed by the end of next week (i.e. September 8, 2017). Thereafter, the Contractor will install connection piping to tie-in the new 16" main to the existing main on Industrial Place. The Contractor also has punch list items to complete in Area 4 and will address these items within the next couple of weeks.

### AREA 3 (Via Monte Vista, E Camino Norte, Vine Ave, Stevens Rd, W Camino Norte):

The Contractor has completed installation of the pipelines on Via Monte Vista, E. Camino Norte and Vine Ave. Base paving has been installed on these streets as well. They are currently in the process of installing the pipelines on Stevens Rd. and W. Camino Norte. Upon completion of the pipelines on these streets, the Contractor will fall back and begin installation of service laterals and fire hydrant runs on all Area 4 streets. We anticipate the contractor continuing work in Area 4 for the next several weeks.

“Sites Reservoir Committee submits Prop 1 application to the California Water Commission” (CWC).

On August 11, the Sites Reservoir Committee successfully submitted their application to the Water Commission – ahead of Monday’s 5 PM deadline. It will take a number of days before the information is posted. (See Executive Summary attached for general information on how the project addresses the CWC requirements).

### **Whitewater Hydro Update**

As of August 27, the Whitewater Hydro Plant has generated approximately 562,000 kWh and we anticipate an approximate monthly settlement from SCE in the amount of \$64,000.

On Thursday, August 31, the Riverside County Sheriff’s Department and other law enforcement agencies removed approximately 3,500 marijuana plants from the upper Snow Creek watershed. Using the Agency’s Snow Creek Reservoir as a staging area, over 30 workers removed the plants using helicopters.



# Sites Project Executive Summary

FOR CALIFORNIA'S WATER STORAGE INVESTMENT PROGRAM

Providing high-quality water to enhance the environment,  
the economy and quality of life for Californians



**Sites is an innovative, environmentally sound solution to California's toughest water challenges.**

With broad statewide support, the Sites Project fulfills the clear Proposition 1 mandate from the People of California, who overwhelmingly said the state needs public benefits from new water storage.



# Sites Project Executive Summary

This document summarizes how the Sites Project Authority (Authority) has addressed the California Water Commission's requirements of the Water Storage Investment Program (WSIP), to provide water supply and eligible public benefits.

The Sites Project will make California's water system more efficient, flexible and reliable, which will provide local, statewide and national benefits.

## The project:

- Helps achieve the objectives of the California Water Action Plan
- Reflects the innovative approach mandated by the people of California under Proposition 1
- Provides a substantial supply of high-quality water to support the economy and enhance the environment, particularly in the face of climate change
- Better captures, stores and provides water for the environment, the economy and quality of life for families, farms and businesses
- Is being developed in accordance with the beneficiary-pays-principle

The Sites Project offers the State of California a significant supply of water to improve conditions for salmon and smelt and to comply with the will of California voters.

## The Sites Reservoir

Delivers about **441,000** acre-feet of water per year to California's water system for...



Drinking Water



Irrigation



Climate Change Resiliency



Enhanced Water Quality



New Recreational Opportunities



Flood Management



Ecosystem Improvements



Renewable Energy

**Stabilize Sacramento River** fall flows for salmon



**Conserve coldwater pools** in existing reservoirs later into the summer months to improve conditions for salmon spawning and rearing



**Provide nutrient rich water** to the Yolo Bypass to benefit smelt



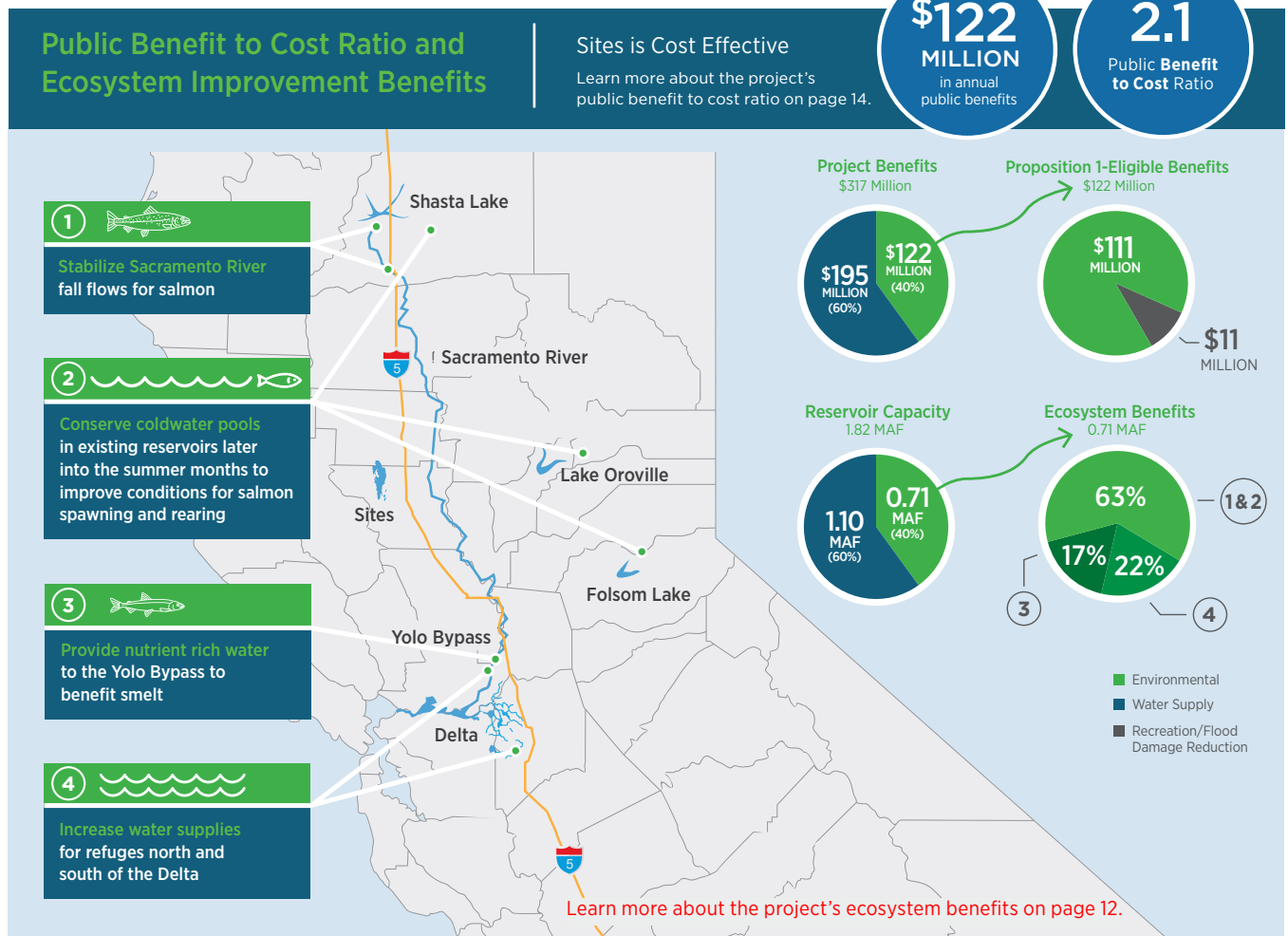
**Increase water supplies** for refuges and managed wetlands north and south of the Delta



**The time is NOW** to implement bold and strategic water storage options, in order to capture and deliver water for use where and when it's needed most for the environment, families, farms and businesses.

By investing in Sites, the California Water Commission has a unique opportunity to invest in the ecological health of the Sacramento River and Sacramento-San Joaquin Delta (Delta) and fulfill the will of California Voters.

Sites Works for California and Goes Above and Beyond California Water Commission Scoring Criteria in Four Essential Ways



### Relative Environmental Values

Sites provides substantial ecosystem benefits.

The project includes several **critical environmental enhancements**

Learn more about the project's Relative Environmental Values on page 15.

### Resiliency

Sites is resilient.

Sites provides **dedicated water storage** that can be adaptively managed to meet the **changing needs of the Sacramento watershed and Delta**, constituting significant benefits under anticipated future climate conditions

Learn more about the project's resiliency on page 17.

### Implementation Risk

Sites Project is feasible. The real risk lies in not implementing the Sites Project.

The project meets the California Water Commission criteria for **technical, economic, financial, and environmental feasibility**.

The Bureau of Reclamation's Feasibility Report independently validates the feasibility of implementing the Sites Project.

Learn more about the project's implementation risk on page 16.

### Why Sites?

Sites is a critical surface storage project that combines the public benefits of water storage with the ecosystem benefits of increased environmental flows in the Sacramento River.

## Overview

California has grappled with serious water supply reliability and ecosystem challenges for decades. Voters overwhelmingly approved Proposition 1 in anticipation of more frequent drought conditions, a smaller snowpack, heavier rain and flashier storms, aging water infrastructure and declining ecosystem conditions. The Sites Project offers the best opportunity for meeting the will of the voters by providing a reliable source of high-quality water to benefit the ecosystem and provide needed water storage.

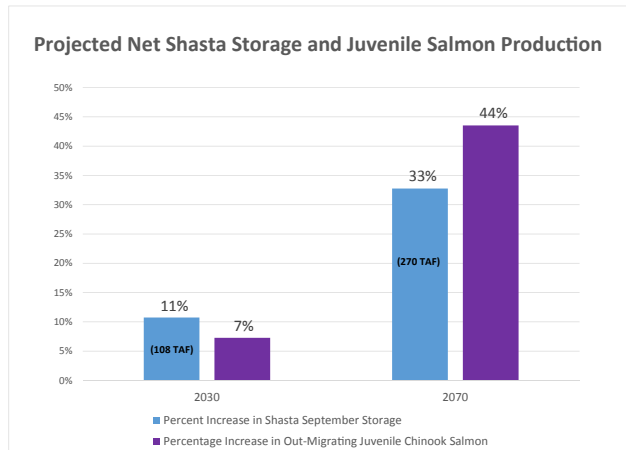
**The Sites Project Authority (Authority) proposes to provide the state with 710,000 acre-feet (40%) of the usable capacity in Sites Reservoir for ecosystem benefits.** When this water is managed according to California Water Commission requirements, the resulting long-term annualized water deliveries would provide:

Proposed 2030-2070 Average Ecosystem Benefits (Acre-Feet)		
Species Benefiting	Drier Years	Average Years
Chinook Salmon	190,000	125,000
Delta Smelt	29,000	39,000
Level 4 Refuge Supplies	19,000	33,000

The proposed operations intentionally provide substantial carry-over storage. This produces larger ecosystem benefits in dry and critical years. Additional benefits for the Water Commission's consideration include:

- **Flexibility:** Should future hydrologic and/or environmental conditions result in a need to provide different benefits than have been assumed in today's Relative Environmental Values (REVs), state's resource managers could reallocate the water to align with new priorities.
- **Partnership:** Through an effective partnership between the Authority and the state resource agencies managing the state's investment, even greater benefits can be achieved.
- **Management:** The Sites Project is being developed in accordance with the beneficiary-pays principle, which enables the state to retain management control over its investment for the life of the Sites Reservoir.
- **Federal Participation:** The Bureau of Reclamation (Reclamation) has been preparing studies to advance the Sites Reservoir. Their congressionally-mandated Draft Feasibility Report demonstrates a strong interest

to invest in the Sites Project, which would strengthen and enhance the state's investment. The federal level of participation will only be determined after the Authority has received a decision on the Water Commission's level of investment.



## Sites Project Authority

Sites is being developed by several Northern California public agencies who are motivated to sustainably build a local water management project that helps the state meet its overall water system needs. The Authority was formed on August 26, 2010 and is governed by a 12-member Board of Directors representing Sacramento Valley leadership in government and water management.

The Authority's Board of Directors is the lead agency working with regional stakeholders and water agencies statewide to advance the construction of the Sites Project. In January 2017, the Authority assumed lead agency responsibilities for ensuring compliance with the California Environmental Quality Act (CEQA) and is working with Reclamation, the federal lead agency, to ensure compliance with the National Environmental Policy Act (NEPA).

Together, the Authority, Reclamation and the California Department of Water Resources (DWR) are working in partnership to improve the operation of the state's interdependent water system.

Should the state or federal government elect to invest in the project's construction, in exchange for acquiring water which they would manage for environmental benefits, the Authority intends that the appropriate state and/or federal resource agency would become a partner. This agency would then have the same or equivalent status as the water agencies who participate and fund their share of the project's costs to improve their water supplies.

## Sites Eligibility for Proposition 1 Funding

The Sites Project complies with all eligibility requirements for WSIP funding and achieves California's co-equal goals of water supply reliability and ecosystem improvement.

WSIP Funding Requirement		Sites Project Compliance
	Eligible Applicant Type (CCR 6006(c)(1)(A)1a)	A Joint Powers Authority will own, govern, manage and operate the Sites Project (CWC 79759)
	Eligible Project Type (CCR 6006(c)(1)(A)1b)	The Sites Project is one of the surface storage projects identified in the 2000 CALFED Record of Decision (CWC 79751(a))
	Not affect a designated Wild and Scenic River (CCR 6006(c)(2)(A))	The Sites Project will not impact designated wild or scenic rivers
	Consistent with Agricultural and Urban Water Management Plans (CCR 6013(a)(1)(C))	Sites has submitted plans for all participating water suppliers that meet the size compliance threshold
	WSIP Program Cost Share < 50% (CCR 6006(c)(1)(A)2)	The proposed WSIP funding share for Sites is 32% of the total project capital cost
	The project's inclusion in an integrated regional water management plan (CWC 6003(a)(1)(A)2)	Sites is identified as a long-term regional priority in the Sacramento Valley Integrated Water Management Plan
	Monetized Ecosystem Benefits > 50% (CCR 6006(c)(1)(A)3)	The value of ecosystem benefits of Sites are > 90% of the total Proposition 1-eligible public benefits
	Provides measurable improvements to the Delta ecosystem or to the tributaries to the Delta (CCR 6006(c)(2)(B))	Sites provides measurable temperature and flow benefits for fish in the Sacramento River (the largest tributary to the Delta), many of which migrate through the Delta
	State Water System Improvement (CCR 6006(c)(2)(C))	In year 2030, the operation of Sites to release water adds an average 83,000 AF of water in Lake Shasta and 59,000 AF of September storage in Oroville
	Cost Effective (benefit cost ratio > 1) (CCR 6006(c)(2)(D))	Depending upon how the state values the public benefits, the Public Benefits Ratio ranges from 2.1 to 4.5 when using WSIP guidelines
	Provides net improvement in ecosystem and water quality conditions (CCR 6006(c)(2)(E))	Sites increases Chinook salmon populations, especially when compared to the no project alternative
	Advances the long-term objectives of restoring ecological health and improving water management for beneficial uses of the Delta (CCR 6006(c)(2)(F))	Sites benefits anadromous fish populations in Delta tributaries, provides pulse flows into the Yolo Bypass to increase food sources to improve Delta smelt growth and condition as they mature into adults and provides Delta outflows from June through September to support beneficial uses



*“Sites Reservoir offers a remarkable opportunity to reoperate California’s longest and largest river, the Sacramento, to provide multiple benefits for fish, farms and cities in an innovative manner. By partnering with the Sites Project Authority in the development of the Reservoir, the state would acquire water storage capacity and have management control over the resulting releases to ensure environmental benefits are achieved.”*

— Senator Dianne Feinstein

*“North and South, rural and urban, Republican and Democrat, California’s leaders agree on one thing: our state needs to invest in Sites Reservoir to meet the water supply challenges of today and the future. Sites provides more water per dollar invested than any other proposed project in the state, enough to supply millions of Californians for an entire year, while also creating environmental benefits and allowing smart recapture and reuse of water released from other reservoirs. Investing in Sites will fulfill the will of the 67% of Californians who supported Proposition 1 funding for water storage infrastructure, and I hope the California Water Commission recognizes the project’s diverse benefits.”*

— Congressman LaMalfa

*“Sites Reservoir is one of the most useful, cost-effective water infrastructure projects California could build. It is an ideal project that can provide water for agriculture, urban uses and the environment. The support for the Sites Project from a majority of the California Congressional delegation speaks to the statewide benefits of the project.”*

— Congressman Garamendi

*“As water and environmental managers have been forced to operate under a constant regulatory threat, Sites Reservoir will provide a critical tool for them to solve California’s toughest water problems collaboratively and productively.”*

— Senator Nielsen

*“Sites is an incredibly important project for the State of California that meets many of the public benefits required by the Water Bond.”*

— Assemblymember Gallagher

*“Building Sites Reservoir is an imperative part of the solution to help California meet our water supply challenges of today and the future. The operational flexibility provided by the unique project offers reliable long-term assistance to California’s complex water system.”*

— Assemblymember Dahle

## Project Location

Ideally located in California’s largest watershed, Sites includes a new 1.8 million acre-foot (MAF) reservoir offstream of the Sacramento River. The Sites Project will be situated on the west side of the Sacramento Valley, approximately 10 miles west of the rural town of Maxwell, in historic Colusa County. The Sacramento Valley is a unique region, known for its farming community, rich agricultural benefits, and natural beauty. The region has been considered ideal for offstream water storage since the 1950’s. Today, with climate change creating a new normal of changing future conditions (less snow-pack and flashier rainfall), **Sites is ideally located to maximize the diversion and storage of excess storm event flows in the Sacramento River.**

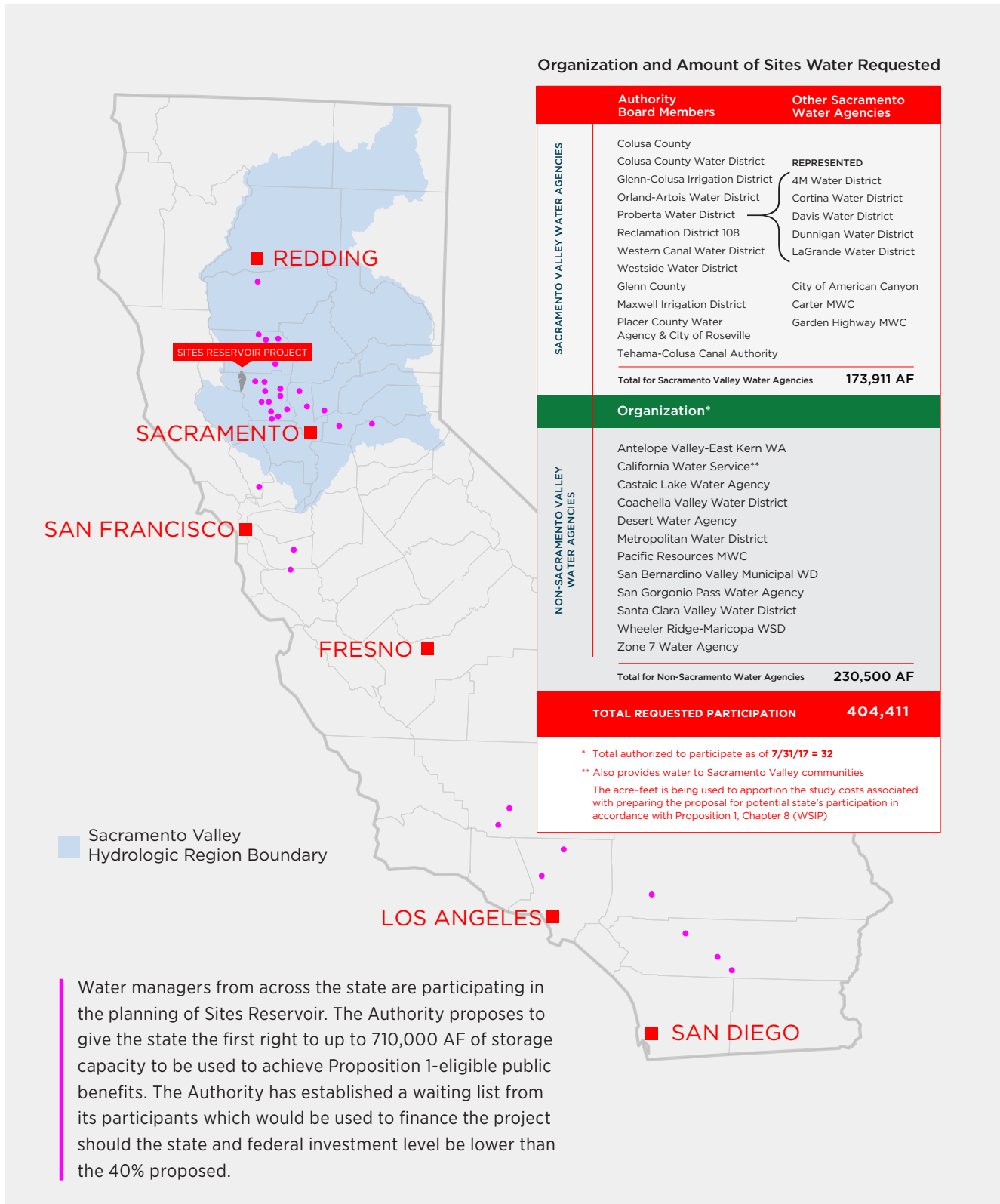


Sites is widely supported by local community leaders, residents, as well as state water managers and agencies from the Bay Area to Southern California. There is bipartisan support for the Sites Project, including the 43 members of California’s Congressional Delegation, 12 State Senators and 18 State Assemblymembers who have signed letters of support.

Participants in the Sites Project represent 39 of California’s 51 congressional districts. A full list of supporters of the Sites Project can be found in Attachment 6E to the Eligibility Tab of the WSIP application.

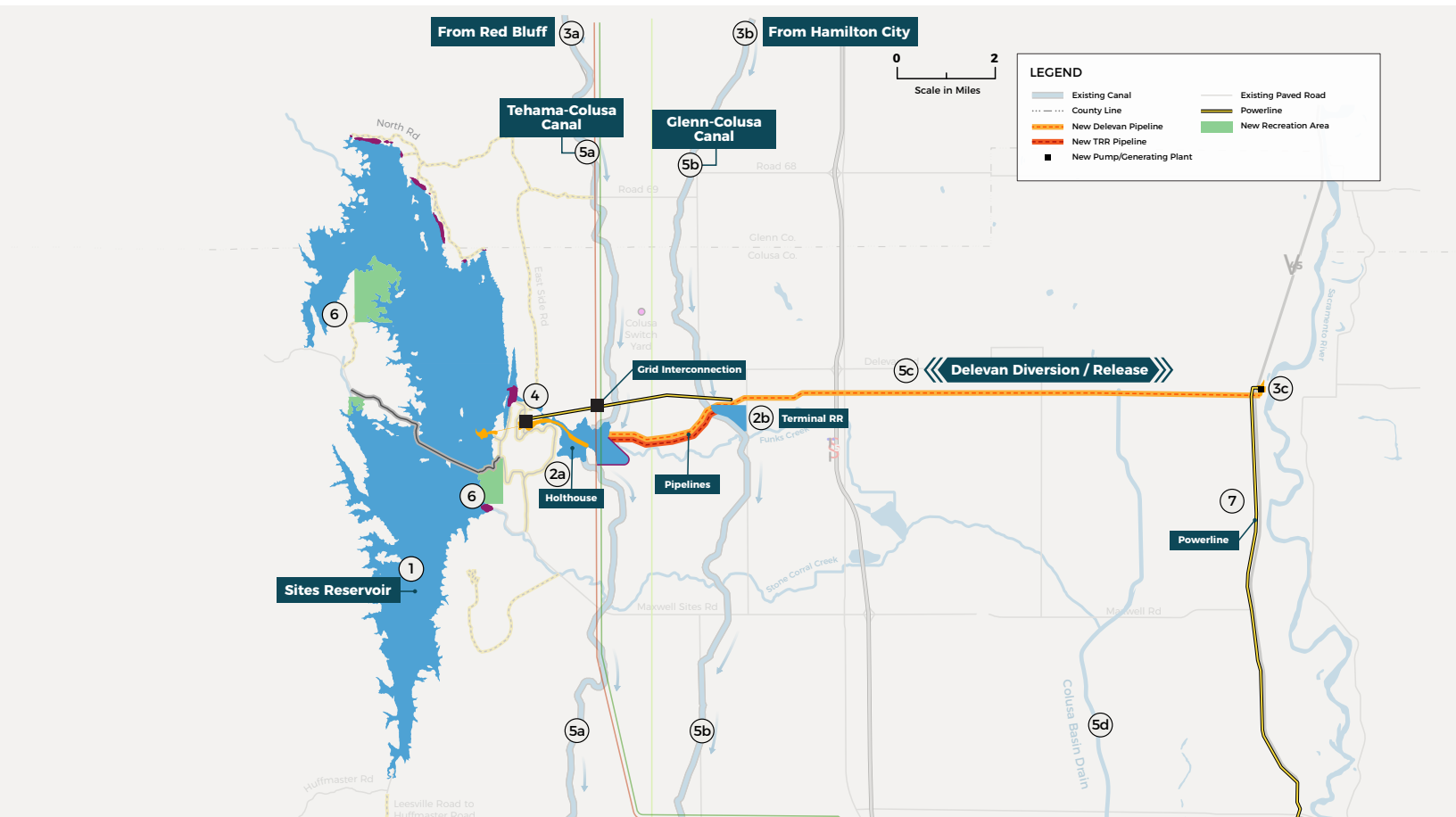
## Sites Statewide Project Participation

Sites is locally-led in partnership with the state and federal government, and is widely supported by water agencies and stakeholders from across the state.



# Sites Project Facilities

Sites is the modern infrastructure upgrade California needs to meet 21st century water challenges



## Sites Creates Jobs and will Enhance Region-Wide Economic Growth and Stability

Annual Employment	Approximate # of Jobs Added
<b>Short Term Employment</b>	
Direct Jobs: Construction	115
Indirect and Induced Jobs: Construction	390
<b>Total Direct, Indirect, and Induced Employment</b>	<b>505</b>
<b>Long-Term Employment: Direct Jobs</b>	
Operations and Maintenance	30
Recreation	15
<b>Total Direct Jobs</b>	<b>45</b>
<b>Long-Term Employment: Indirect and Induced Jobs</b>	
Operations and Maintenance	10
Recreation	2
<b>Total Long-Term Indirect and Induced Jobs</b>	<b>12</b>
<b>Long-Term Total Direct, Indirect and Induced Employment</b>	<b>57</b>

As an offstream reservoir, Sites avoids environmental impacts to aquatic species common with in-stream dam construction. Sites combines the public benefits of water storage with the ecosystem benefits of increased environmental flows in the Sacramento River during droughts, when water for the environment has the highest value. It ensures cold water is available during the late summer months to benefit fish. **With the construction of Sites Reservoir, the combined storage capacity of large reservoirs in the Sacramento Valley increases by about 15%.**

## Sites Project Facilities

Water managers have long acknowledged that by creating a new source of water and adding more flexibility in the system, Sites can help California succeed in implementing 21st century water solutions — to meet human AND environmental needs. To achieve this, the project includes the following facilities:

1

### Sites Reservoir

The **1.8 MAF** offstream reservoir will require two main dams (Sites and Golden Gate) and nine saddle dams. The resulting reservoir covers **14,200 acres**. This reservoir will also improve local flood protection as witnessed by the February 18, 2017 storm event that flooded part of Maxwell and temporarily closed Interstate 5.

2

### Regulating Reservoirs

- 2a. Holthouse is an expansion of the existing Funks Reservoir, which provides flow equalization for the Tehama-Colusa Canal. Holthouse Reservoir is sized to allow pump-storage operations to generate renewable energy. Water entering Holthouse Reservoir will be pumped into Sites.
- 2b. The Terminal Regulating Reservoir will be constructed at the Glenn-Colusa Irrigation District Canal for flow equalization with flows pumped into Holthouse.

3

### Diversions

Water from the Sacramento River will be diverted for conveyance to Sites Reservoir from three locations:

- 3a. The existing Red Bluff Pumping Plant will divert water and convey it through the Tehama-Colusa Canal.
- 3b. The existing Glenn-Colusa Irrigation District Pumping Plant will divert water and convey it through the Glenn-Colusa Canal.
- 3c. A new Delevan Intake Pumping/Generating Plant will divert water into a new pipeline that will convey water into Holthouse Reservoir.

Both the Glenn-Colusa and Tehama-Colusa diversions currently utilize state-of-the-art fish screens and the Delevan Intake will include state-of-the-art fish screens to ensure fish friendly diversions.

4

### Sites Pumping/Generating Plant

This facility will have a capacity of **5,900 cubic-feet per second** to fill Sites Reservoir. Water released from the reservoir will flow in the reverse direction through the plant and generate seasonal **hydropower** and daily pumped-storage to contribute to the state's renewable energy goals.

5

### Conveyance

Water from Sites can be delivered throughout much of California. Releases from Sites include the following:

- 5a. The existing Tehama-Colusa Canal conveys water from the Red Bluff Diversion to Holthouse and deliver releases from Sites to local users south of the reservoir.
- 5b. The existing Glenn-Colusa Canal conveys water from the Hamilton City Diversion to the Terminal Regulating Reservoir and deliver releases from Sites to local users south of the reservoir.
- 5c. The new 13.5 mile Delevan Pipeline connects the new Sacramento River intake with Holthouse to convey water in either direction.
- 5d. To the Colusa Basin Drain and either to the Sacramento River or into the Yolo Bypass through Knights Landing Ridge Cut.

Integrating local infrastructure reduces costs and ensures the project complements the Sacramento Valley water system.

6

### Recreation Areas

The project will include the construction of two new recreation areas on the shore of Sites Reservoir for camping, picnicking, hiking, horseback riding, boating and fishing, among other activities. A separate boat ramp will also be included.

7

### Powerlines

Overhead powerlines will connect the three pumping/generating plants located at: Holthouse (Sites), the Terminal Regulating Reservoir, and Delevan to the state's electrical grid.

## Sites Project Operations

Sites Reservoir will be filled by diverting excess Sacramento River flows originating from unregulated upstream tributaries. Diversions can potentially occur in any month or water year type, but would be greatest in the winter months with an emphasis on capturing flows from storm events. If Sites existed during 2017's rainy spring, and had been completely empty, 1.8 million acre-feet (AF) of water could have been stored as of May 3, 2017 (DWR).

The Sites Project will operate in cooperation with Central Valley Project (CVP) and State Water Project (SWP) system facilities to produce a wide range of public and ecosystem benefits that can be flexibly managed to adapt to future changes, depending on need and priority. Up to 710,000 AF of capacity supports the storage and then release of critical water supplies dedicated to environmental needs.

Sites Reservoir will provide water benefits through two primary mechanisms: (1) water stored in Sites Reservoir can be released directly to the Colusa Basin Drain and Sacramento River, and (2) water stored in Sites Reservoir could be exchanged for water stored in Shasta Lake, Folsom Lake, or Lake Oroville and Clair Engle Lake (Trinity).

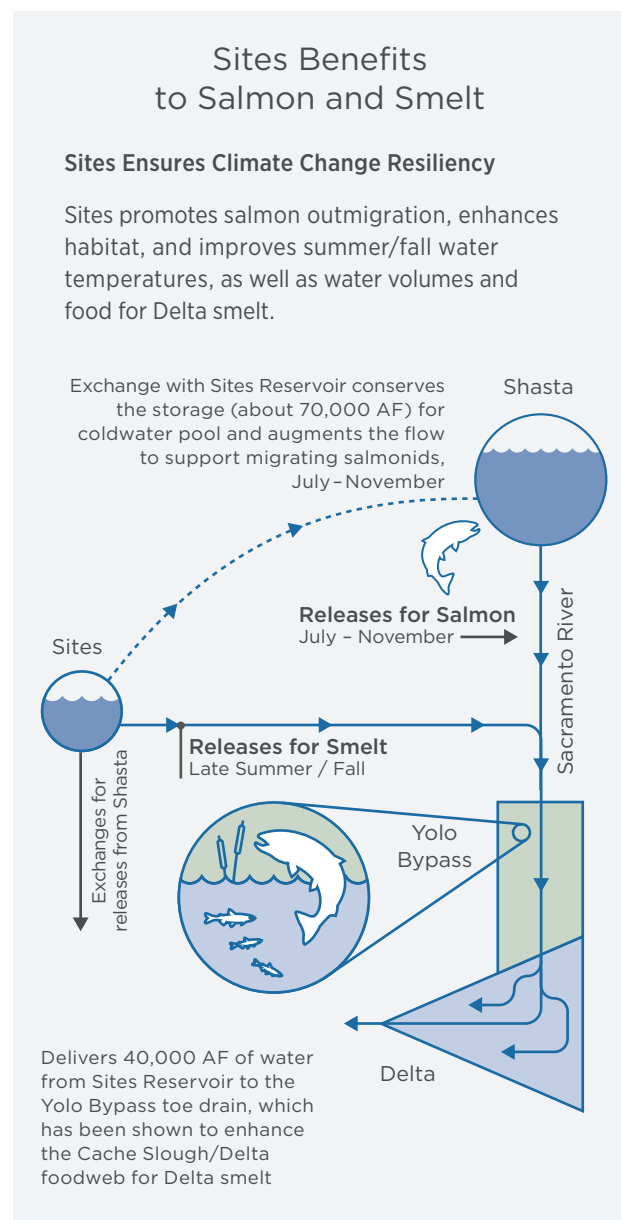
**Had Sites been operational during the 2017 rainy spring season, an additional 1.8 million acre-feet of water could have been stored as of May 3, 2017.**

Sites Reservoir can be used to reduce releases and increase storage in other reservoirs with downstream habitat critical to fish, while still meeting requirements for minimum instream flow objectives, Sacramento River temperature requirements, and Delta salinity control assigned to the SWP and CVP. Through this reduction in releases, storage can be conserved in Trinity Lake, Shasta Lake, Lake Oroville and Folsom Lake to significantly increase regional and system-wide operational flexibility.

**Sites provides significant environmental benefits during dry and critical water year types, and especially during extended drought periods, to benefit coldwater releases for salmon. This benefit also applies to Folsom and Oroville coldwater pools.**

Diversion of excess Sacramento River flows to Sites Reservoir will only take place when flow monitoring indicates that sufficient bypass flows are present in the Sacramento River due to storm event flows.

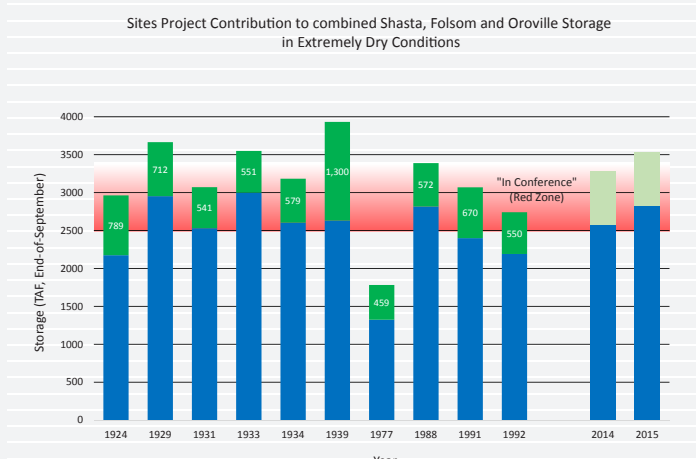
**Sites will capture high, excess runoff in a future with less snowpack and higher temperatures. Approximately 210,000 AF of Sites water will be available annually for environmental use as a long-term average supply.**



Sites will be operated to provide a variety of environmental benefits that will be managed by the state to provide water for ecosystem and water quality purposes. This pool of dedicated water will be managed to improve coldwater conservation storage, augment river flows during critical periods for fish migration, increase flows through certain watercourses and/or facilities (such as the Yolo Bypass), improve water quality and/or enhance habitat restoration. Collectively, the state and the Authority will manage a sizable supply of water to address real-time needs and achieve both intermediate and long-term goals.

Sites Reservoir water will also be used to supplement existing municipal and agricultural supplies for use in the Sacramento Valley and south of the Delta. These operations will be conducted in cooperation with CVP and SWP operations.

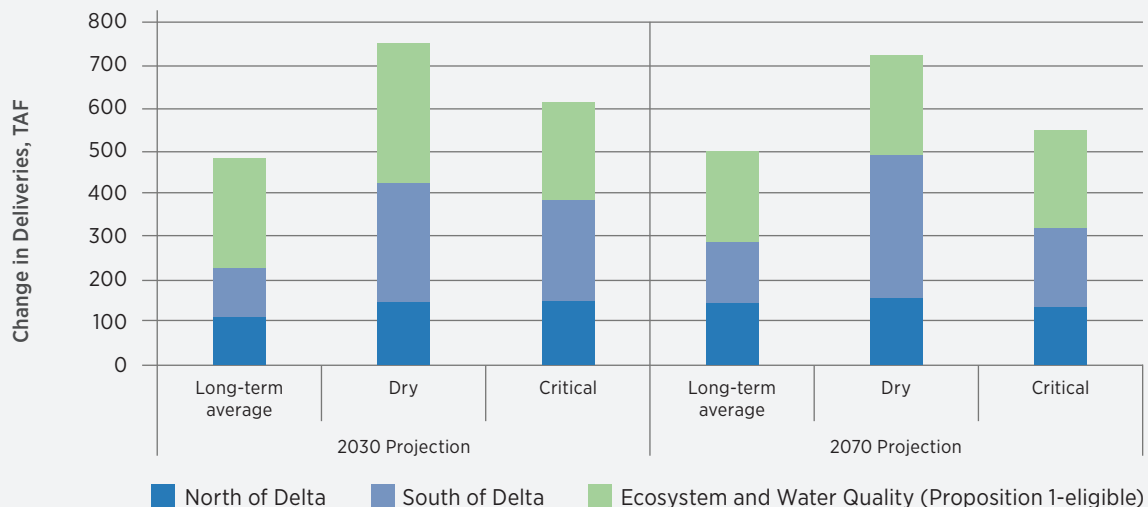
**Sites is particularly beneficial during dry and critical years and extended drought periods, increasing overall water supplies despite climate change impacts.**



During droughts, Sacramento Valley reservoir operations become severely constrained when combined storage levels of Shasta, Folsom and Oroville are reduced to approximately 3 MAF. The addition of Sites Reservoir adds approximately 15% additional storage for the Sacramento Valley. Using the 2030 WSIP hydrology, when drought conditions occur, Sites Reservoir would provide relief during that year for both listed native fish species and for water agencies. Approximately 700,000 acre-feet of the Sites water would carry over into the next year should drought conditions continue.

### Sites Reservoir Provides Water for Public and Non-Proposition 1-Eligible Public Benefits in All Water Year Types

Sites Reservoir Increase in Water Supply





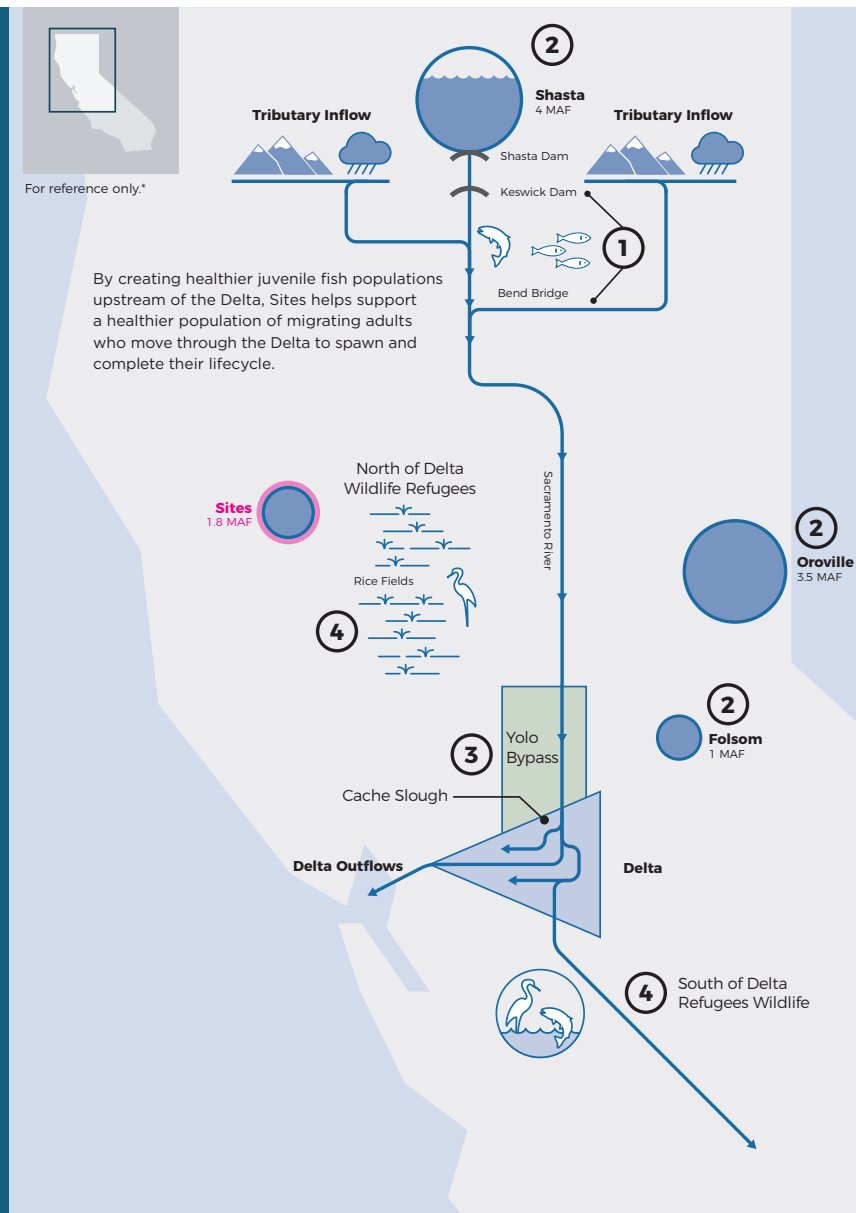
## Proposition 1-Eligible Public Benefits

Proposition 1 allows taxpayer resources to be used for specific public benefits the state can invest in. The state's investment in the Sites Reservoir can be used to achieve the following Proposition 1-eligible benefits.

### Ecosystem Improvements

The Authority will partner with the California Department of Fish and Wildlife (CDFW) and State Water Resources Control Board (SWRCB) to deliver an annual supply of water that would be directed to meet the highest priority water needs in the state.

- 1 The greatest ecosystem benefit will be improved temperatures and flows in the Sacramento River between Keswick Dam and Bend Bridge. This portion of the Sacramento River is critical habitat for Chinook salmon (including the endangered Winter Run) and Steelhead. Water released from Sites Reservoir will meet existing SWP and CVP obligations to enable additional coldwater storage at Shasta and Oroville above critical fish habitat. This storage will provide better temperature control and supplemental flows to support fish migration and reduce egg mortality (i.e. redds).
- 2 Sites will allow for increased coldwater pool storage levels and more reliable coldwater pool storage in existing reservoirs later into the summer months, improving conditions for native fish in several ways:
  - Increased Shasta Lake storage levels provide additional coldwater pool storage in below normal, dry, and critical water-year types.
  - Improved water temperature suitability in Lake Oroville for juvenile steelhead and spring-run Chinook salmon over-summer rearing and fall-run Chinook salmon spawning in the lower Feather River and augmented flows in the lower Feather River to minimize redd dewatering, juvenile stranding and isolation of anadromous salmonids.
  - Additional coldwater pool storage in Folsom Lake benefits juvenile steelhead summer rearing and fall-run Chinook salmon spawning in the lower American River.
- 3 In a distinctly unique ecosystem action, Sites Reservoir will provide two pulse flows of at least 400 cubic feet per second over a two to three week period into the Yolo Bypass. These pulses will be adaptively managed by the state's designated resource agencies to push water high in phytoplankton and zooplankton directly into the Cache Slough area, the only place in the Delta where the endangered Delta smelt population is increasing. The resulting increase in desirable food sources should improve Delta smelt growth and populations as they mature into adults.



- 4 Sites water will enhance ecosystems for bird populations utilizing the Pacific Flyway during annual migration periods. Additionally, up to 50,000 AF of water will be provided to assist in meeting incremental Level 4 wildlife refuge water needs north and south of the Delta. This water will improve habitat conditions for a number of species, including giant garter snake, tricolored blackbird, and migrating waterfowl.

## Additional Ecosystem Improvements (not monetized)

The Sites Project will provide additional benefits that have not been monetized due to lack of sufficient, tangible data and generally-accepted models that could reasonably estimate benefits to specific species. The benefits for Chinook Salmon in the Sacramento River watershed between Keswick Dam and Red Bluff (the area captured in SALMOD models) were monetized, but benefits to salmonids in the Feather River and American River were not monetized. Coldwater and additional flows made possible by Sites will also benefit other species of fish in the Sacramento River watershed, including steelhead and sturgeon. **Therefore, the net environmental benefits Sites can provide are even greater than those provided in the WSIP application criteria.**

## Additional Proposition 1-Eligible Public Benefits

**Water Quality (Not Monetized).** The Sites Project meets SWRCB water quality priorities by providing improved temperature and groundwater conditions. The project will also provide additional water supply to agencies serving disadvantaged communities. These benefits have not been monetized as water quality benefits. However, the temperature improvements benefit anadromous fish and are included in our analysis of coldwater pool benefits. Further, participants in Sites Reservoir are expected to use their water to address the undesirable effects by complying with the Sustainable Groundwater Management Act (SGMA), but the magnitude of these improvements is still being defined.

**Flood.** The local area downstream from the project is prone to floods, including portions of Maxwell, Williams and Colusa. Even though these are seasonal streams, the Funks Creek and Stone Corral Creek watersheds are a key source of flooding during major storms. Construction of the Sites and Golden Gate Dams will reduce the frequency of flooding, reduce river levels to avoid flood events and relieve pressure on local levees. Had Sites been operational during the 2017 spring rainy season, runoff from local creeks and streams could have been captured and stored, reducing high flows, preventing overtopping and avoiding flood waters that caused significant economic damage in

Colusa County and temporarily closed Interstate 5, which is a critical artery for commerce.

**Emergency Response (not monetized).** The Authority is committed to working with state and federal water managers and emergency personnel to provide water to support emergency events such as, but not limited to, firefighting, drought relief and Delta levee failures. Instead of dedicating a volume of water that may not be called upon by the state until at least a one in ten-year event (or longer) occurs, the Authority proposes that should water from Sites Reservoir be used to aid in responding to or recovery from an emergency, that repayment would occur through a mutually-acceptable exchange or transfer of water. As such, this benefit was not monetized and the Authority is not requesting Proposition 1 funding for this purpose.

**Recreation.** Two new recreation areas and a boat ramp will be created on the shore of Sites Reservoir. These areas will provide opportunities for boating, camping, hiking and equestrian use and have been monetized. Sites Reservoir will also improve water levels in existing reservoirs (e.g. Shasta, Oroville and Folsom) to support water-based recreational activities, but these benefits have not been monetized.

## Additional Considerations

**Operational Flexibility (not monetized).** Sites Reservoir can be operated to achieve a wide variety of environmental and water quality objectives by operating to different strategies or priorities. This application proposes an operational strategy that aligns with the Water Commission's regulations by focusing on specific ecologic improvements in the Delta by providing benefits to native anadromous fish and in-Delta fish species. In the future, this operational strategy may be changed to reflect new or higher priorities.

Further, Sites reservoir will increase today's storage capacity in the largest reservoirs in the Sacramento Valley by 15%. Once the reservoir is operable, the state's water managers have the ability to operate differently – for both environmental and human uses – knowing there is additional capacity in the system. The ability to adaptively manage the reservoir releases to achieve different benefits and the benefits associated with the increase in system-wide storage capacity have not been monetized.

**The Sites Project advances California's objectives of restoring ecological health in the Delta and improving water management for beneficial uses.**



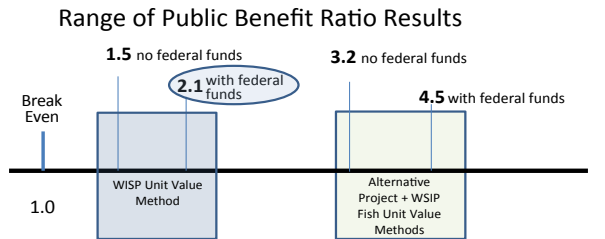
**State’s Operational Control (not monetized).** The Authority proposes that the agencies with delegated authority to manage the state’s investment would also have management control. This would be in the planning and also in the day-to-day releases needed to adapt to current and forecast conditions.

**Net Benefits.** The resulting ecosystem benefits were developed using the CalSim-II model as provided by the Water Commission for use in preparing this application. This model incorporates environmental, water quality, and water rights compliance obligations. Further, the Authority has added a simulated pulse flow criterion to be more protective of migrating juvenile salmonids and a criterion to ensure in-Delta water quality compliance requirements are achieved. The benefits presented in this application represent the difference between the “with project” from the “without project” to reflect the project’s net benefits.

### Sites Economic Benefits








**Benefit-Cost Ratio:** The Sites Project has been evaluated using two different and independent perspectives in conformity with the Water Commission’s WSIP regulations and in accordance with Reclamation’s federal procedures required for congressional authorizations. Their resulting Benefit-Cost Ratios are 1.52 and 1.72, respectively, which are both well above the minimum 1.0 threshold used as the conventional investment decision-making criterion. The difference is attributable to their different future climate change scenarios and use of different unit benefit values reflecting different value propositions.

**Public Benefit Ratio (PBR):** The state’s investment in the Sites Project has been evaluated using two different WISP regulation approved monetization approaches – the alternative cost method and adjusted WISP provided unit benefit values. Each approach was applied to only the project’s readily monetizable benefits under both “with” and “without” federal participation scenarios. Their corresponding resulting PBRs results are provided in the following figure:



### Public Benefit Ratio Using Two Different Benefit Monetization Methods

The higher range PBRs reflects the high cost and scarcity of feasible major infrastructure development projects to obtain new water supplies. The alternative cost method also does not fully account for potential economies of scale benefits that large-scale and multi-purpose storage projects such as Sites can achieve. Using more conservative adjusted WSIP unit benefit values (based on the water transfer market) the resulting PBRs are correspondingly lower. Neither of these methods included the non-monetized benefits, some of which are significant.

Proposition 1 Eligible Benefit (in \$M)		Annual Benefits (\$M)
	Ecosystem Improvement	\$111
	Water Quality	N/A
	Recreation	\$7
	Flood Damage Reduction	\$4
	Emergency Response	N/A
Proposition 1 Non-Eligible Benefits (in \$M)		
	Water Supply	\$175
	Hydropower	\$19
Total Monetized Benefit Annually		\$317
PUBLIC BENEFIT RATIO: 2.1 to 4.5		

**Beneficiary-Pays-Principle:** Each participant pays their proportionate cost-share based on their assigned share of the reservoir’s capacity over the project’s life using their storage. Each participant decides how to use their storage – hold it, release it and/or exchange it – within the parameters established by Agreements. To accomplish this:

The benefits of the Sites Project far outweigh the costs. Sites is projected to cost \$4.7 billion (2015 dollars), with an estimated \$317 million in benefits as an annual return on investment.

Continues on page 16 »

## Relative Environmental Values

Benefits delivered by the Sites Project address the Ecosystem and Water Quality Priorities identified by CDFW and the SWRCB. Summary of Priorities:

Ecosystem	#	Priority	Benefit
	1	<b>Cold water for salmonid eggs and fry</b>	<b>Improved temperature downstream of Shasta, Oroville and Folsom</b>
	2	<b>Provide flow for rearing and juvenile migration</b>	<b>Additional water from Shasta and Oroville to be released for migrating juveniles</b>
	3	<b>Avoid dewatering redds and stranding juveniles</b>	<b>Release flows from additional storage in Shasta, Oroville and Folsom to stabilize flows and preserve redds</b>
	4	<b>Improve ecosystem water quality</b>	<b>Provide colder water temperatures in the Sacramento, Feather and American Rivers</b>
	5	<b>Improve dissolved oxygen and colder water</b>	<b>Provides colder water in the Sacramento, Feather and American Rivers</b>
	6	Increase attraction flows during migration	Not included, but operations could be reprioritized for this purpose
	7	Increase Delta outflow	Not monetized. June to October Delta outflow increased by 4% under 2030 conditions.
	8	Maintain or restore groundwater and surface water interconnection	The current groundwater to surface water interconnection will not change with operation of Sites Reservoir
	9	<b>Enhance flow regimes for riparian and floodplain habitat</b>	<b>Release of water to the Yolo Bypass will improve riparian habitat. Augmented flows to preserve redds will lead to seasonal improvement in floodplain habitat.</b>
	10	<b>Improve floodplain Inundation</b>	<b>Benefits additional flow to Yolo Bypass</b>
	11	<b>Enhance diversity of habitat for fish and wildlife</b>	<b>Enhanced habitat in the Sacramento River, Delta, and wildlife refuges</b>
	12	Eliminate barriers to migration	As an offstream reservoir, Sites does not create or remove a barrier to fish migration
	13	Remediate inadequately screened diversions	State-of-the-art fish screens were previously installed on the Sacramento River at the Tehama-Colusa Canal and Glenn-Colusa Canal
	14	<b>Provide water to State and Federal Wildlife Refuges</b>	<b>Up to 50 TAF/yr to refuges and privately managed wetlands</b>
	15	<b>Implement invasive species management</b>	<b>Not monetized. Mitigation areas will manage/control invasive species.</b>
	16	<b>Habitat for commercial, educational, etc. species</b>	<b>Enhanced habitat for waterfowl and gamefish (salmon, steelhead, sturgeon)</b>
<b>Water Quality Priorities</b>			
	1	<b>Temperature</b>	<b>Operation of Sites Reservoir with the CVP/SWP in the Sacramento, Feather, and American Rivers will increase the volume of coldwater that can be released to benefit fish</b>
	2	Dissolved Oxygen	Operation of Sites Reservoir does not improve dissolved oxygen in water bodies deemed to be impaired by the State Water Resources Control Board
	3	Nutrients	Operation of Sites Reservoir does not change the amounts of nitrogen introduced into the waterways
	4	Mercury	Construction and operation of Sites Reservoir does not change the amount of mercury in the Sacramento, Feather or American Rivers
	5	<b>Salinity</b>	<b>Not monetized. If Sites were operable in 2015, benefits could be provided. However, based on the WSIP requirements, any benefits will erode by 2070 due to effects of climate change.</b>
	6	<b>Groundwater</b>	<b>Sites Reservoir will reduce undesirable results in groundwater</b>
	7	<b>Delta Tributary Flows</b>	<b>Operation of Sites Reservoir will not provide flows that resemble natural hydrograph patterns. However, it will provide increased flows, especially in dry and critical water year types, as well as provide pulse flows for benefits in Yolo Bypass.</b>
	8	Improve required water self-reliance	Sites Reservoir incrementally improves regional water self-reliance by helping reduce demand on the Delta watershed by developing local supplies in the west side of the Sacramento Valley.
	9	<b>Basic Human Needs</b>	<b>Water from Sites will be provided to disadvantaged communities</b>

**Bold type** = Public benefits offered by the Sites Project

### Beneficiary-Pays-Principle (con't)

- **Capital costs:** The participating water agencies will finance their proportionate shares of capacity and Proposition 1 funds will cover the state's share of the initial capital.
- **Annual Costs (Operations, Maintenance and Replacement):** The participating water agencies will pay their proportionate share based on releases either at Holthouse or Delevan as appropriate. The state's share of these costs can be provided from revenues generated from at least two sources: (1) after water has been released from a reservoir to provide at least one Proposition 1-eligible benefit, a small portion of this water could be recaptured and then sold under a long-term contract and/or (2) the state's share of water stored in the reservoir could be used to generate electricity for third annual party sales through the pumped-storage operations. Should the state's revenue exceed the applicable annual costs, the surplus could be used to provide additional public benefits within the Sacramento Valley and/or Delta.

### Implementation Risk

The implementation risk of the Sites Project has been characterized in accordance with the WSIP methodology in this application. Further, an independent analysis of the Project's feasibility using federal guidelines is available in the Draft NODOS Feasibility Report. Although the federal methodology differs from the WSIP methodology (e.g., different climate change assumptions), the results of the two studies are generally consistent. This independent analysis of the project by Reclamation found the project to be feasible based on available information.

**Sites offers essential benefits under future conditions.**

**Technical Feasibility:** Reclamation, DWR and the Authority have independently reviewed the engineering for the Sites Project facilities and considered them all feasible for construction. The development of cooperative operations that cause "no harm" to SWP or CVP operations or senior water rights is currently underway in a collaborative process. The operations modeled in this application are restricted to the diversion of excess Sacramento River flows. Additional protection for migrating salmonids that restricts diversions during pulse flow periods are also included in the modeling to ensure that the public benefits result in net ecosystem improvement.

**Economic Feasibility:** The annualized benefits provided by the project significantly exceed the annualized total project costs – even when only those benefits that could be monetized are included and even when conservative estimates of unit values are applied (refer to economics section).

**Financial Feasibility:** There are currently 32 water agencies throughout the state that are participating in the development of the Sites Project. Of this, 28 agencies have requested to participate at a level that would allow them to receive water supply benefits. For planning purposes, the Authority has been using 500,000 acre-feet as the average long-term annualized volume the Sites Reservoir could produce. To date, these participants have requested 404,411 acre-feet (80%). Should the state elect to participate in the 710,000 acre-feet of reservoir capacity (40%), the participant's requests will be reduced proportionately (i.e. currently, there is a waiting list to receive water supply benefits).

Congress has authorized federal participation in up to 50% of a locally-sponsored water storage project in exchange for acquiring water benefits for the environment and water quality. Reclamation's Draft Feasibility Report, determines there is a federal interest in participation for up to 14% of the project's cost. A water storage project, having local, state, and federal participation demonstrates a strong level of financial backing and solid financial feasibility.

**Operational flexibility and adaptive management are key components of the Sites Project, contributing to environmental benefits and ecosystem protection.**

**Environmental Feasibility:** When filled, Sites Reservoir will convert what has predominately been lands used for livestock grazing to create a new aquatic ecosystem. Sites will provide a significant new source of water to support existing and struggling aquatic and riparian ecosystems, conserve existing coldwater pools in upstream reservoirs for salmon and increase plankton for native estuarine fish. The Sites Project will minimally impact existing rivers and channels and where environmental impacts do exist a scientifically-based adaptive management program and mitigation and monitoring strategy will be implemented to protect the ecosystem.

As the CEQA and NEPA lead agencies, respectively, the Authority and Reclamation released a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that describes the impacts to environmental and cultural resources that would be reasonably expected to occur with the development of the Sites Project. Impacts that are significant and unavoidable are described within the EIR/EIS. While the project creates substantial ecosystem benefits, some significant and unavoidable impacts will remain after mitigation. These impacts include impacts to the community of Sites, existing golden eagle habitat, historical and cultural resources, disturbance of a dedicated cemetery, and conversion of prime farmland and native rangeland. The Authority is working with landowners, communities, Tribes, and government agencies to develop relocation and mitigation plans to mitigate these impacts.

**Sites creates and protects aquatic and riparian habitat, improves ecosystem conditions, provides additional flows during critical periods for fish, and secures water for consumptive use.**

## Sustainable Groundwater Management

In the DWR SGMA Program's Water Available for Replenishment Report (2017), it is estimated that 48% of the water that could be used to replenish California's groundwater will need to come out of the Sacramento River. Both the storage and the conveyance systems associated with Sites Reservoir are well suited to staging and conveying water to areas where groundwater depletion is producing undesirable effects. Providing surface water at a controlled rate and in seasons where the opportunity for in lieu of use and infiltration can be maximized is essential to SGMA compliance. In addition, Sites participants include agencies that are deeply invested in groundwater management in the Sacramento Valley, Bay Area, Central Valley, and Southern California. For example, Colusa County is investing in 10 TAF/year specifically to support SGMA compliance.

## Resiliency

Because of climate change, some public benefits decline slightly and others increase between 2030 and 2070 for the operations modeled under current WSIP application

requirements. One of the most beneficial features of Sites is that it provides dedicated storage of water for environmental purposes that can be repurposed for the highest priority public benefit as future conditions change.

The benefits to anadromous fish from the Sites Project become even more valuable over time. Without Sites, the population of Chinook salmon would decline drastically due to climate change. Modeling results for Sites Reservoir demonstrate the ability of the project to offset some of the decline in population due to rising temperatures, improving the resiliency of salmon populations in the face of climate change.

## Integration with the State's Water System

The Authority is working with Reclamation and DWR to develop cooperative operations between Sites Reservoir, the SWP and the CVP that will improve water supply reliability throughout the state's integrated water system.

**The operational scenarios are designed to concurrently:**

- maximize water supply reliability
- improve Delta water quality
- provide seasonal flexible hydropower storage and daily pumped-storage
- increase survival of anadromous fish that migrate through the Delta. Provide seasonal nutrient-rich food for Delta smelt.

Sites Reservoir is also an important regional initiative and was identified as a long-term regional priority in the Sacramento Valley Integrated Water Management Plan due to its water supply reliability and flood protection benefits.

Finally, the Sites Project will also increase the value of projects that may be implemented in the future. One example is the River Arc Project on the American River under consideration by Authority members Placer County Water Agency and the City of Roseville, in coordination with the Sacramento County Water Agency and City of Sacramento. The River Arc Project will improve water supply reliability and groundwater quality in the lower American River watershed. Constructing Sites Reservoir can considerably enhance the potential benefits of this project and other future groundwater storage projects that improve groundwater sustainability in the Sacramento Valley.

## Potential for Expansion

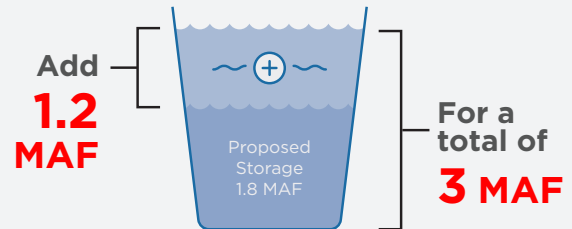
The Sites Project can be expanded to provide additional public and non-Proposition 1 eligible benefits. The most likely near-term expansion includes the ability to divert floodwaters into storage from the Colusa Basin Drain. This will provide water managers with the ability to divert an additional 40 TAF annually of excess river flows.

The Draft NODOS Feasibility Report, which evaluated the development of the “Colusa Basin Complex” could include raising the Sites Reservoir dams and constructing dams with Sites Reservoir to increase storage in existing SWP and CVP reservoirs and also improve the conditions downstream from these reservoirs for fish.

Engineered for Growth,  
Flexibility, and Reliability

### Storage

Potential expansions of the Sites  
storage and delivery infrastructure will



of water for the



**environment** and **human** use.

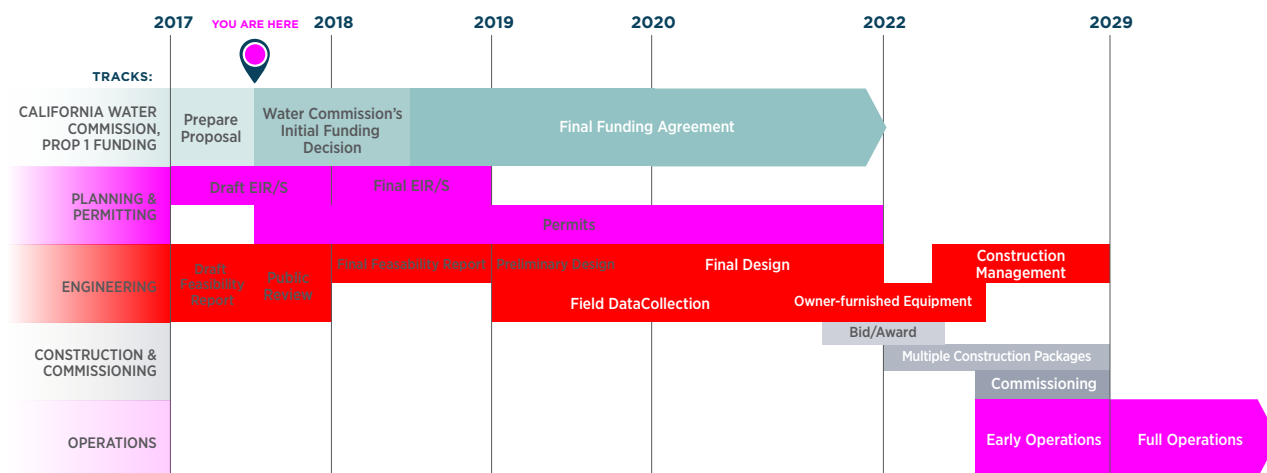
Sites is a smart water storage investment for California’s future. The California Water Commission has an opportunity to improve the Delta ecosystem, enhance the flexible operation of our state’s water system and fulfill the will of California voters.



WATER FOR THE ENVIRONMENT, FAMILIES, FARMS AND BUSINESSES

 **Sites**  
SITESPROJECT.ORG

## Sites Project Schedule



## WSIP Application Reference Guide

Executive Summary Section	You Can Find More Information At
Eligibility for Proposition 1 Funding	Eligibility Tab and Program Requirements Tab
Letters of Support	Eligibility Tab – Attachment A6E Support Letters
Project Facilities	Eligibility Tab – Attachment A3 Project Description and Attachment A4 Drawing Package
Project Operations	Benefit Calculation, Monetization and Resiliency Tab – Attachment A2 Operations Plan
Benefits	Benefit Calculation, Monetization and Resiliency Tab – Attachment A3 Physical and Monetized Benefits and Attachment A5 Documentation
Costs	Benefit Calculation, Monetization and Resiliency Tab – Attachment A8 Basis of Estimate Report
<b>Public Benefit Ratio</b> and Benefit Cost Ratio	Benefit Calculation, Monetization and Resiliency Tab – Attachment A9 Benefit Cost Ratio
Ecosystem Improvements	Physical Public Benefits Tab – Attachment A1 and A2 Ecosystem Priorities Benefit Calculation, Monetization and Resiliency Tab – Attachment A3 Physical and Monetized Benefits
Other Proposition 1 Benefits	Physical Public Benefits Tab
Unmonetized Benefits	Benefit Calculation, Monetization and Resiliency Tab – A7 Non-Monetized Benefits
<b>Relative Environmental Values</b>	Physical Public Benefits Tab – Attachment A1 and A2 Ecosystem Priorities, Attachment A1 and A2 Water Quality
<b>Implementation Risk</b>	Feasibility and Implementation Risk Tab Draft Environmental Impact Report/Environmental Impact Statement: <a href="http://sitesproject.org/information/DraftEIR-EIS">http://sitesproject.org/information/DraftEIR-EIS</a> Feasibility Report: <a href="https://www.sitesproject.org/information/FeasibilityReport">https://www.sitesproject.org/information/FeasibilityReport</a>
Sustainable Groundwater Management	Eligibility Tab – Attachment A6C Groundwater
<b>Resiliency</b>	Benefit Calculation, Monetization and Resiliency Tab – Attachment A12 Uncertainty Analysis
Integration with State Water System	Benefit Calculation, Monetization and Resiliency Tab – Attachment A2 Operations Plan
Schedule	Eligibility Tab – Attachment 3 Schedule



Sites Works for California by providing a solid return on the investment of public dollars for both the state to produce environmental benefits beyond what is achievable today and for public water agencies seeking to improve their water supply reliability.

Sites Reservoir will give California its first major reservoir that dedicates a significant capacity (710,000 acre-feet or 40%) to ensure the Proposition 1-eligible benefits that were approved by the voters are achieved. This innovative new partnership will ensure that water for environmental purposes is directed to the most critical needs and highest priorities – both today and into an uncertain future.

Sites:

- Is a feasible and cost-effective project that will advance the long-term objectives of restoring ecological health and improving water management for beneficial uses of the Delta.
- Is resilient by providing long-term operational flexibility for both environmental and water supply reliability purposes, that will also improve the overall operation of the state's water system.
- Will be operated to provide additional water during droughts by diverting storm-generated runoff in the Sacramento River, when there is minimal impact to the environment, to then provide reservoir releases into the Sacramento, Feather and Lower American Rivers at times that are critical to the survival of native fish species.

## Project Benefits



Enhanced water  
management flexibility



Improved  
environmental flows



Increased water  
supply reliability



Ecosystem  
improvements



Potential new renewable  
energy resources



New recreation  
opportunities



Climate change resiliency



Flood management



Enhanced water quality



SITESPROJECT.ORG



**August 9, 2017**

**Contact:**

Erin Mellon, Director of Public Affairs, Department of Water Resources  
(916) 651-2440 | [erin.mellon@water.ca.gov](mailto:erin.mellon@water.ca.gov)

## **Lake Oroville Spillways Construction Updates**

**SACRAMENTO** – Today the Department of Water Resources (DWR) provided an update on construction work on the Lake Oroville Spillways Emergency Recovery Project.

### **Continued Construction on the Main Spillway**

- Construction efforts at the Lake Oroville spillways have remained focused on repairing and reconstructing the gated flood control spillway, also known as the main spillway, by November 1.
- While this date is an aggressive timeline for construction, it's a conservative date for reservoir operations. The main spillway has only been used before January 1 four times. In fact, the spillway has only been used in 26 of 49 years.
- Demolition, excavation and site preparation is now 99 percent complete for the 2,270 feet that will be reconstructed this year. "The (Board of Consultants) is impressed with the progress and quality of the foundation cleaning." – [BOC Memo 10](#)
- Placement of roller-compacted concrete (RCC) is now 10 percent complete, with approximately 25,000 cubic yards poured.
- Crews reached a major milestone last week by placing the first structural concrete slabs, which include reinforced steel, on the lower portion of the spillway chute.
- Recently, [DWR received approval](#) of the final 2017 design and construction work by federal, State and independent oversight groups.

### **Construction at Emergency Spillway**

- After gaining information from thorough geologic exploration and test drilling in June, DWR determined the exact location for the underground cutoff wall, also known as the secant pile wall.
- Now that progress is being made on excavating trenches, drilling bore holes and placing concrete, DWR has a clearer schedule for construction of the underground cutoff wall, with a target completion date of late December 2017 or early January 2018.
- Consistent with a recommendation from the independent Board of Consultants (BOC), DWR will relocate temporary transmission towers near the cutoff wall site in a timely manner to minimize their impact on construction.
- DWR's prime contractor, Kiewit, brought in a heavy-duty percussion drilling rig – the BG Bauer 50 – to improve the current rate of drilling.

### **Independent Board of Consultants and Forensic Team**

- This week, the Forensic Team finished conducting interviews with DWR employees in Sacramento.



- DWR also sent an email to all employees encouraging them to share any information they have that could help with the investigation. Information shared with the investigative team will not be shared with the Department.
- The Forensic Team's final report is scheduled to be released this fall.
- The [ninth](#) and [tenth](#) memos from the independent Board of Consultants are now posted on the [Lake Oroville spillways webpage](#).

To view photos and video of the Lake Oroville Spillways construction, visit DWR's [Oroville Spillway photo gallery](#) and [YouTube channel](#).

DWR is committed to informing the surrounding communities and the general public about the construction on the Lake Oroville spillways and related impacts to roads, recreation, public access and surrounding infrastructure and ecosystems. These updates will continue through the summer and fall.

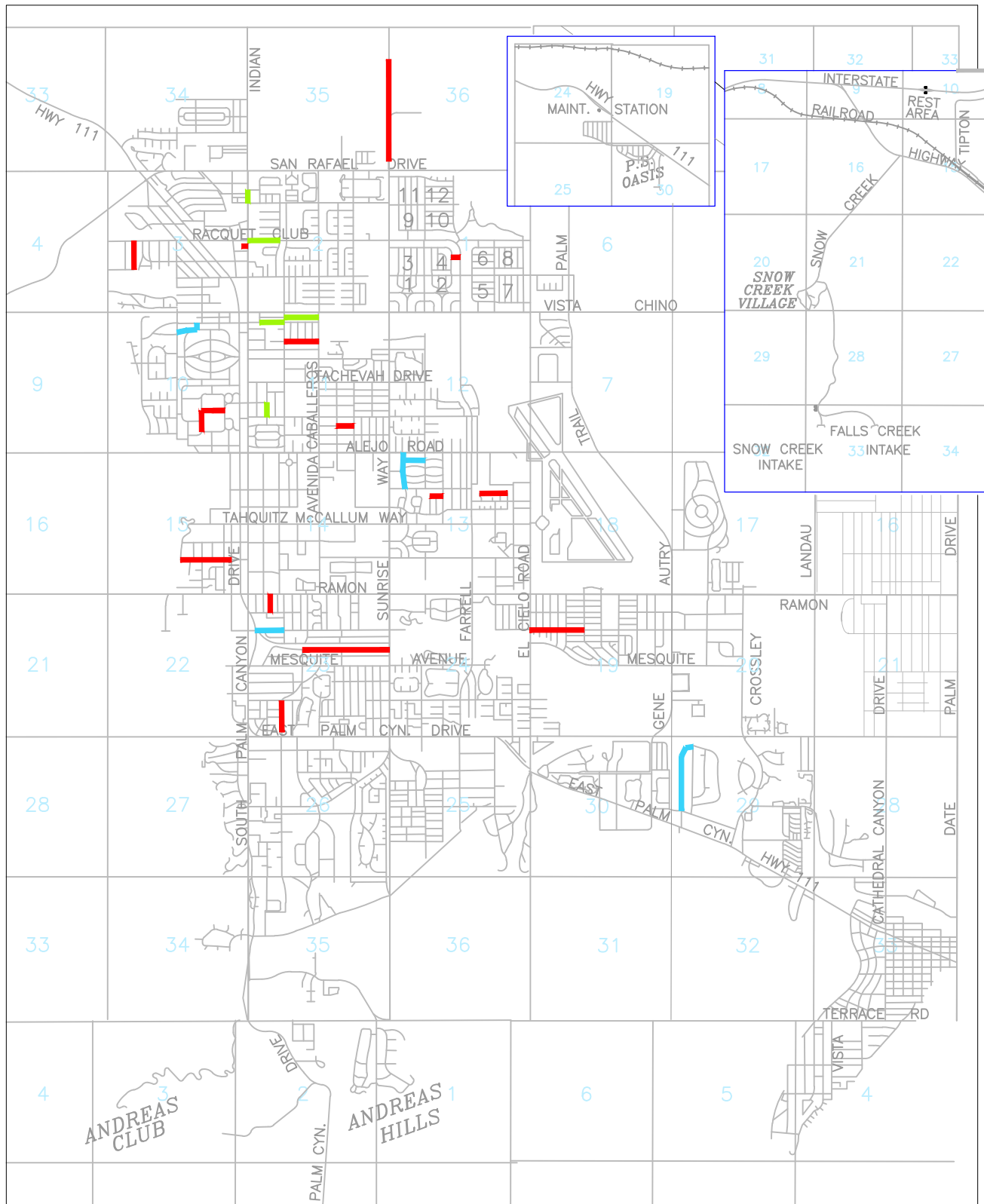
###

*For more information, follow us on [Twitter](#) or [Facebook](#), read our [news releases](#) or visit our [Oroville Spillway Incident webpage](#).*

SYSTEM LEAK DATA		
(PERIOD BEGINNING AUGUST 9, 2017, THRU AUGUST 29, 2017)		
STREET NAME	QUARTER SECTION	NUMBER OF LEAKS
CHUCKWALLA RD	4411NW	5
SUNNY DUNES RD (10")	4423NW	4
SATURMINO DR	4413NW	4
CHIA RD	4411NW	4
BROADMOOR DR	4529NW	2
BELDING DR	4413NW	2
COTTONWOOD RD	4411NW	2
INDIAN CANYON DR	4402NW	2
SUNNY DUNES RD (6")	4519NW	2
SUNNY DUNES RD (4")	4423NW	1
CAMINO NORTE (8")	4410NE	1
RACQUET CLUB RD	4402NW	1
AVENIDA PALOS VERDES	4411SW	1
JANIS WAY	4403SW	1
MOUNTAIN VIEW PLACE	4410SE	1
PLAIMOR AVE	4413NE	1
ROCHELLE RD	4403SE	1
TERRY LN	4413NW	1
S RIVERSIDE DR	4423NE	1
MISSION DR (4")	4410SE	1
BARISTO RD (6")	4415SE	1
CALLE SANTA ROSA	4423NW	1
VIA ALTAMIRA	4411SE	1
CALLE PALO FIERRO	4423SW	1
VINE AVE	4410NE	1
CLARKE RD	4401SW	1
<b>TOTAL LEAKS IN SYSTEM:</b>		<b>44</b>

\* Streets highlighted in blue are being replaced as part of the 2016/2017 Replacement Pipeline Project

\* Streets highlighted in green are included as part of the proposed list of streets for the 2017/2018 Replacement Pipeline Project



## SYSTEM LEAKS

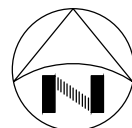
(Period beginning August 9, 2017 thru August 29, 2017)

DESERT WATER AGENCY  
PALM SPRINGS, CALIFORNIA

### LEGEND

- LEAK(S) RECORDED
- LEAK(S) RECORDED; INCLUDED IN 2016/17 REPLACEMENT PIPELINES
- LEAK(S) RECORDED; INCLUDED IN PROPOSAL FOR 2017/18 REPLACEMENT PIPELINES

DWG. BY  
SR



DATE  
8/17

SCALE  
NTS

EXHIBIT  
"A"

### General Manager's Meetings and Activities

#### Meetings:

07/17/17	DWA I.S./Staff/Snow Creek Security Weekly Meeting	DWA
08/01/17	Bi-Monthly DWA Board Meeting	DWA
08/01/17	NWRA Chris Polly	Conf. Call
08/02/17	Public Affairs & Conservation Committee Meeting	DWA
08/07/17	CWF Cost Allocation Workshop	Conf. Call
08/10/17	Whitewater River Spreading Basin BLM Permit Mtg.	Conf. Call
08/14/17	DWA I.S./Staff/Snow Creek Security Weekly Meeting	DWA
08/14/17	Press Release Discussion With CVWD	Conf. Call
08/15/17	SFCWA Monthly Board Meeting	Conf. Call
08/18/17	Krieger & Stewart Inc.- Pipeline Utility Potholing	DWA
08/21/17	DWA I.S./Staff/Snow Creek Security Weekly Meeting	DWA
08/21/17	MWD/DWA/CVWD Coordination Call	Conf. Call
08/21/17	Bob Reeb – Wkly Conf. Call	Conf. Call
08/22/17	Lake Perris Seepage Recovery Project	Conf. Call
08/23/17	SWC Cost Allocation Workshop	Conf. Call
08/24/17	SWC East Branch Meeting	SBVMWD
08/24/17	SGMA DWA/CVWD Meeting with ACBCI	DWA
08/25/17	Meeting with Desert Chapel Church	DWA
08/28/17	DWA I.S./Staff/Snow Creek Security Weekly Meeting	DWA
08/29/17	Meeting With Grit Development	DWA
08/30/17	Sisk Safety of Dams Project	Conf. Call
08/30/17	Whitewater River BLM Permit Renewal	Conf. Call
08/30/17	Sites Reservoir Committee – Application Review	Conf. Call
08/31/17	Effluent Reservoir No. 2 Anniversary Inspection	DWA

#### Activities:

- 1) Sites Reservoir
- 2) E-Billing – implementing customer payment history capabilities
- 3) Outreach Talking Points – KESQ
- 4) Snow Creek Hydro SCE contract extension - ongoing
- 5) Whitewater Hydro – Developing new administration and operating procedures
- 6) State and Federal Contractors Water Authority and Delta Specific Project Committee (Standing)
- 7) MSWD Second Amended Petition– Ongoing
- 8) ACBCI Section 14 Facilities & Easements
- 9) Lake Oroville Spillway Damage
- 10) Replacement Pipelines 2017-2018
- 11) Lake Oroville NMFS Requirements
- 12) DWA/CVWD/MWD Operations Coordination/Article 21/Pool A/Pool B/Yuba Water
- 13) DWA/CVWD/MWD Agreements Update

Activities:  
(Cont.)

- 14) SGMA Alternative Plans and Bridge Documents
- 15) SWP 2017 Water Supply
- 16) ACBCI Law Suits
- 17) Lake Perris Dam Remediation
- 18) Section 14 Pipeline Easements
- 19) DOI Regulation
- 20) A.B. 1562
- 21) Cathedral City Monitoring Well Site Abandonment
- 22) Whitewater Hydro Operations Coordination with Recharge Basin O&M
- 23) Multi-Agency Rate Study
- 24) SGMA Tribal Stakeholder Meetings
- 25) Whitewater Spreading Basins – BLM Permits
- 26) Lake Perris Dam Seepage Recovery Project Participation
- 27) Cal Waterfix Cost Allocation

**Minutes**  
**Conservation & Public Affairs Committee Meeting**  
August 2, 2017

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**Directors Present:** Jim Cioffi, Craig Ewing

**Staff Present:** Mark Krause, Ashley Metzger

1. Discussion Items

A. MOU – Free Sprinkler Nozzles

The Committee discussed the existing MOU with Western Municipal Water District and the changes within its new MOU structure. Staff updated the committee on program performance and future considerations.

B. Turf Buy Back

The Committee agreed to prioritize a highly visible project with the City at the \$2 per square foot level for public projects. The Committee also directed staff to review and target highly visible large-scale turf areas, while leaving the program intact.

C. Water Trailer Policy

Staff shared the policy with the Committee. The Committee provided minor adjustments.

D. Coffee with DWA

The Committee gave staff several suggestions for locations and directed staff to start planning for events in October.

E. Topics for videos/KESQ

The Committee provided numerous topics including pipeline replacement, turf buy back, Coffee with DWA, partnership with the City on turf, etc.

F. Water Waste Reporting

Staff informed the Committee that DWA would transition from the existing CitySourced app to its own web form (already available) in September. Customers who have used the app in the past would receive a notification.

G. Litigation Outreach

Staff updated Committee on consultant contract expiration and coordination with Coachella Valley Water District.

H. Budget Update

Staff reported that last fiscal year, outreach and conservation expenditures came in under budget.

I. Fall Tour

Staff shared the plans for the fall tour with the Committee.

2. Other

- A. Staff discussed plans to man tables at hardware stores to increase program participation and increase community profile.
- B. The Committee and staff discussed the draft proposal on long-term conservation. The Committee requested that this topic come to the Board in a study session.
- C. The Committee discussed the Environmental Working Group report and directed staff to work on securing a Valley Voice on the topic of water quality. .

3. Adjourn

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**SEPTEMBER 5, 2017**

**RE: REQUEST AUTHORIZATION FOR PAYMENT OF DIRECTOR FEE  
AND REIMBURSEMENT OF EXPENSES**

Secretary-Treasurer Bloomer has indicated interest and involvement with the California Special District's Association (CSDA). Currently, CSDA is seeking involvement from members on various committees. Ms. Bloomer is interested in serving on one or more committees.

CSDA does not reimburse expenses incurred with participation; travel costs are kept to a minimum for committee members whenever possible. An application signed by the General Manager or Board President is needed by Friday, October 13, 2017.

It is requested that the Board consider Secretary-Treasurer Bloomer's participation on CSDA's committee (s) as in service to the Board; thereby authorizing any travel and attendance expenditures associated with serving on a committee (s). Also requested is approval for General Manager Krause or President Cioffi to sign the authorization form.





**California Special  
Districts Association**  
*Districts Stronger Together*

## 2018 COMMITTEE AND EXPERT FEEDBACK TEAM INTEREST FORM

Please make additional copies for each participant.  
***Please use actual contact information where you can be reached***

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

District/Company: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

We hope your District or Company will participate in one or more of CSDA's committees or expert feedback teams. The CSDA Board of Directors encourages the participation of both board members and staff from member agencies, as well as Business Affiliates.

**COMMITTEES:** As space is limited, please choose more than one committee which you would like to participate on, and please rank according to preference: **1 = 1<sup>st</sup> choice; 2 = 2<sup>nd</sup> choice; 3 = 3<sup>rd</sup> choice**

**If we are able to place you on more than one committee, how many committees would you like to serve on?**  
\_\_\_\_\_ (maximum 3)

**NOTE:** All committees meet in-person at least twice annually. Committees generally meet in Sacramento; however, locations may vary.

\_\_\_\_\_ **Audit Committee:** Responsible for maintaining and updating internal controls. Provides guidance to auditors regarding possible audit and fraud risks. Commitment: May meet with auditors prior to the commencement of the audit, when audit is completed and possibly one meeting during the auditing process. Financial experience preferred.

\_\_\_\_\_ **Professional Development Committee:** Plans, organizes and directs the professional development and events for CSDA. Commitment: Meets at least twice annually.

\_\_\_\_\_ **Elections & Bylaws Committee:** Conducts annual elections and occasionally reviews bylaws upon request of the CSDA Board, members or as needed. Commitment: Minimum of one meeting in Sacramento.

\_\_\_\_\_ **Fiscal Committee:** Oversees the financial direction of the organization including budget review and implementation. Commitment: Meets at least three times annually. Financial experience preferred.

\_\_\_\_\_ **Member Services Committee:** Responsible for recruitment of new members, member retention, development of new member benefits and review of current programs. Commitment: Meets at least twice annually.

\_\_\_\_\_ **Legislative Committee (space is limited):** Develops CSDA's legislative agenda; reviews, directs and assists with legislative/public policy issues. Commitment: Meets three times annually in Sacramento and four times annually via webinar. Committee members must additionally attend CSDA's Special Districts Legislative Days in Sacramento, CA (May 22-23) and Annual Conference in Indian Wells, CA (September 24-27). All 2018 Legislative Committee applicants are also invited to join the 2017 committee members and CSDA staff for a legislative planning session on November 3, 2017.

Each Legislative Committee member will be assigned to 1 or 2 working groups. Please rank from 1 to 6 which working groups you prefer to serve on (1 being most preferred):

- \_\_\_\_\_ Environment Working Group
- \_\_\_\_\_ Formation and Reorganization Working Group
- \_\_\_\_\_ Governance Working Group
- \_\_\_\_\_ Human Resources and Personnel Working Group
- \_\_\_\_\_ Public Works and Facilities Working Group
- \_\_\_\_\_ Revenue Working Group

I prefer to serve on \_\_\_\_ (1 or 2) Legislative Committee working groups

\_\_\_\_\_ **Alternative Option: CSDA Blog and Legislative Distribution List** - Because seats are limited on the Legislative Committee, CSDA has created an alternative option whereby members can receive the same legislative information via email that Legislative Committee members receive. Members on this list will be subscribed to receive "real-time" e-mail updates from the CSDA Blog and will be copied on Legislative Committee e-mails. Select this option instead of the Legislative Committee if you are unable to meet the commitment of serving on the Legislative Committee, but still want to keep informed of the latest legislative issues impacting special districts and provide input to CSDA as appropriate.

**EXPERT FEEDBACK TEAMS:** In order for CSDA to quickly and effectively gauge the impact new laws may have on special districts, we depend on the expertise of the people who are directly affected in the field. If you have firsthand experience in one or more of the areas below, please join CSDA's Expert Feedback Team.

\_\_\_\_\_ **Environment:** CEQA; Greenhouse Gas/AB 32/AB 398; Land Use; Renewable Energy; Sustainable Communities/SB 375

\_\_\_\_\_ **Formation and Reorganization:** LAFCO

\_\_\_\_\_ **Governance:** Audits and Reporting; Bankruptcy; Elections; Ethics; Mandates and Mandate Reimbursement; Political Reform/Conflict of Interest/FPPC; Transparency and Accountability

\_\_\_\_\_ **Human Resources and Personnel:** Contracted Services; Occupational Safety; Labor Relations; Retirement and Other Benefits; Workers' Compensation and Other Insurance

\_\_\_\_\_ **Legal:** General legal matters affecting special districts

\_\_\_\_\_ **Public Works and Facilities:** Bidding Process (Design Build, JOC, P3, Best Value); Bonds and Financings; Indemnification; Prevailing Wage; Retention Proceeds

\_\_\_\_\_ **Revenue:** Benefit Assessments; Fees/Prop 218; Mello-Roos/CFDs; Property Taxes; Redevelopment Agencies/(E)FIDs; Special Taxes

**Please note that by submitting this signed application, selected members commit to the above-stated commitments and acknowledge that the Association does not reimburse any expenses incurred from this participation.** CSDA strives to keep travel costs to a minimum for committee members through use of webinars, conference calls, and e-mail when appropriate.

\*Either the District GM/Board President or Company President must authorize below:

Name - Please Print \_\_\_\_\_ Title \_\_\_\_\_

\*Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this completed form to Beth Hummel at CSDA by mail, or email [bethh@csda.net](mailto:bethh@csda.net) no later than **5:00 PM on Friday, October 13, 2017.**

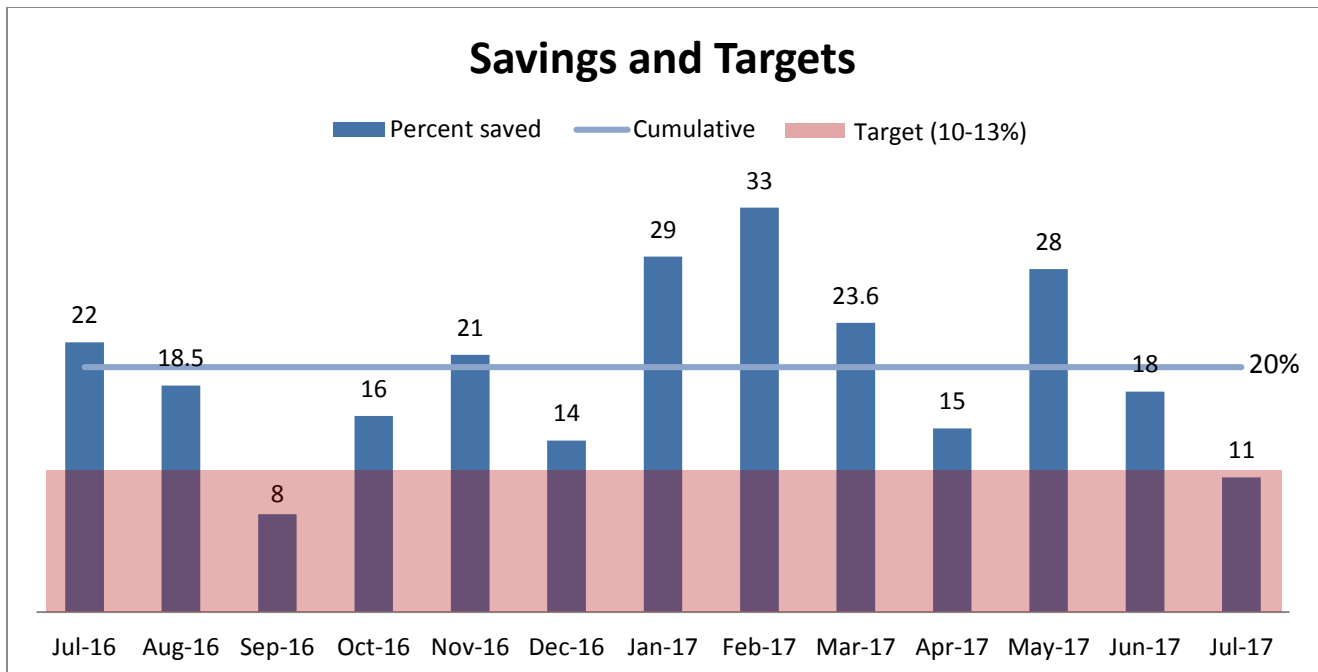
CSDA, 1112 I St., Suite 200, Sacramento, CA 95814, T - (916) 442-7887 [www.csda.net](http://www.csda.net)

# STAFF REPORT TO DESERT WATER AGENCY BOARD OF DIRECTORS

SEPTEMBER 5, 2017

## RE: JULY 2017 WATER USE REDUCTION FIGURES

Desert Water Agency and its customers achieved an 11% percent reduction in potable water production during July 2017 compared to the same month in 2013 – the baseline year used by the State Water Resources Control Board (State Water Board) to measure statewide conservation achievements. Desert Water Agency's cumulative water savings June 2016 through current is 20 percent. DWA continues to report its production to the state on a monthly basis, despite mandatory conservation ending in April 2017.



Staff is also tracking the water use compared to the threshold in the rate study regarding the proposed drought surcharge. This trigger was not met this month and the cumulative since January is far below the 10% trigger.

DWA is asking its customers to save 10-13% compared to 2013 to help achieve long-term sustainability. The cumulative savings beginning in June of 2016 when we put our 10-13% target in place is 20%.

Below is additional information for this month.

June 2017 water production	3,446.98 AF
June 2013 water production	3,874.08 AF
Percent changed in July per drought surcharge baseline (July 2015)	26.7% increase
Quantity of potable water delivered for all commercial, industrial, and institutional users for the reporting month	1,054.87 AF
The percentage of the Total Monthly Potable Water Production going to residential use only for the reporting month	69.36%
Population (inclusive of seasonal residents)	106,096
Estimated R-GPCD	236.98
How many public complaints of water waste or violation of conservation rules were received during the reporting month?	55
How many contacts (written/ verbal) were made with customers for actual/ alleged water waste or for a violation of conservation rules?	25
How many formal warning actions (e.g.: written notifications, warning letters, door hangers) were issued for water waste or for a violation of conservation rules?	4
How many penalties were issued for water waste or for a violation of conservation rules?	0
<p>Comments: The Agency's service area is highly seasonal making population analysis a complex task. The State Water Resources Control Board (State Board) analyzes data on a per capita basis.</p> <p>Historically, DWA has submitted data based on the permanent population of the service area; however that data does not accurately reflect water use in DWA's service area which has a highly seasonal population. Based on local data, the correct population is higher than previously reported. The Residential Gallons Per Capita Per Day (R-GPCD) is being submitted using the corrected population.</p> <p>DWA has continued to receive some notifications from customers relating to time of day and day of week, which are no longer restricted.</p> <p>DWA would like it noted that the amount of fresh water outflow to the ocean during the month of July was 786,734 acre feet. Additionally, since it began recycling water Desert Water Agency has reclaimed 92,530 acre feet. If our recycled water production for this month was taken into consideration against our potable production, the conservation achieved would have been several percentage points higher.</p>	

**STAFF REPORT  
TO  
DESERT WATER AGENCY  
BOARD OF DIRECTORS**

**SEPTEMBER 5, 2017**

**RE: UPDATE ON PENDING LEGISLATION**

The last day for either the State Assembly or State Senate to pass a bill is September 15. Staff will continue to work with Robert Reeb to monitor legislative issues and determine appropriate opportunities for Agency involvement. There are currently two key issues in play.

Long-term conservation

Last month, Director Ewing and Ashley Metzger joined representatives from other local water agencies to meet with Assemblymember Eduardo Garcia regarding long-term conservation legislation. Asm. Garcia is the chair of the Committee on Assembly Water, Parks, and Wildlife. He will play a significant role in helping shape the legislation on this issue, which is expected to evolve quickly in the next few weeks.

The key policy principles advanced by the water agencies were:

- Keeping long-term conservation target setting a function of the legislature
- Use stakeholder input to guide policy
- Giving agencies flexibility in approach to meeting target
- Considering the logistical implications of implementation
- Recognizing differences across the state and between communities
- Continuing to incentivize recycled water use and development
- Recognizing implementation costs of best management practices
- Giving agencies assistance before resorting to penalties or fines
- Limiting additional reporting requirements and/or streamlining existing reports
- Allowing local agencies to determine best measures for drought response

Asm. Garcia and his staff seemed receptive to most of our concerns. Staff has also reached out to Asm. Chad Mayes and Senator Jeff Stone regarding some of our concerns.

ACWA and many water agencies are pushing to make this a 2-year effort (finalizing this year), rather than trying to rush to finalize something in this session. The deadline for this session is September 15.

The bills that will be the vehicle for this policy framework are AB 1668 and SB 606. See attachments to review bill language.

## Water tax – SB 623

This bill addresses drinking water safety and affordability through fees on dairy, fertilizer and water bills. The tax on water bills was just recently added to the bill. There has been limited time for public review and engagement since this change was made.

In its current form, urban water users would pay the lion's share into the fund. The water community has advocated that the legislature use the general fund instead of a precedent setting tax on water bills. Desert Water Agency could see its customers paying about \$439,000 a year if the legislature enacts SB 623. Some customers would be able to opt out of the fee based on income. Our agency would have to track the customers that opt out of the fee payment.

As of the time this report was written, SB 623 was on suspense. It is possible the Appropriations Committee will take SB 623 off of suspense and put it to the Assembly floor in the coming weeks (the deadline for that is September 1). Senator Monning, the bill's author, has indicated that if SB 623 isn't taken off suspense, he will work with an assembly member to gut and amend the assembly bill to try to pass something before the September 15 session deadline.

Proponents of SB 623 include social justice groups, some agricultural groups, public unions, among others.

Groups that have opposed SB 623 are ACWA, Howard Jarvis Tax Payers Association, California Chamber of Commerce, among others.

The current bill language is attached to this report.

AMENDED IN ASSEMBLY AUGUST 21, 2017

AMENDED IN ASSEMBLY JULY 3, 2017

AMENDED IN ASSEMBLY JUNE 26, 2017

AMENDED IN SENATE APRIL 26, 2017

AMENDED IN SENATE MARCH 30, 2017

## SENATE BILL

**No. 623**

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**Introduced by Senator Monning**  
**(Principal coauthors: Senators De León and Hertzberg)**  
**(~~Coauthors: Senators Stone and Hernandez~~)**  
**(Coauthors: Senators Dodd, Hernandez, Stone, and Vidak)**  
**(Coauthor: Assembly Member Bloom)**

February 17, 2017

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An act to ~~amend Section 116395 of, and add Article 6.5 (commencing with Section 14615) to Chapter 5 of Division 7 of, to add Article 14.5 (commencing with Section 62215) to Chapter 2 of Part 3 of Division 21 of, and to repeal Sections 14616 and 62216 of, the Food and Agricultural Code, to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of, of the Health and Safety Code, and to amend Section 13050 of, and to add Article 4.5 (commencing with Section 13278) of to Chapter 4 of Division 7 of, the Water Code, relating to water, and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 623, as amended, Monning. Water quality: Safe and Affordable Drinking Water Fund.

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions



relating to the regulation of drinking water to protect public health. ~~Existing law establishes the Office of Sustainable Water Solutions within the State Water Resources Control Board with the purpose of promoting permanent and sustainable drinking water and wastewater treatment solutions to ensure the effective and efficient provision of safe, clean, affordable, and reliable drinking water and wastewater treatment services. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.~~

This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the ~~office~~ *state board*. The bill would require the board to administer the fund to ~~assist communities and individual domestic well users to address contaminants in drinking water that exceed safe drinking water standards, as specified.~~ *secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.* The bill would authorize the *state board* to provide for the deposit *into the fund* of federal ~~contributions and~~ *contributions*, voluntary contributions, gifts, grants, ~~or bequests.~~ *bequests, and settlements from parties responsible for contamination of drinking water supplies.* The bill would require the *state board* to expend moneys in the fund for grants, loans, contracts, or services to assist ~~those communities and individual domestic well owners that rely on contaminated drinking water to have access to~~ *eligible applicants with projects relating to the provision of safe and affordable drinking water consistent with a fund implementation plan adopted annually by the state board, as prescribed.* The bill would require the *state board* annually to prepare and make available a report of expenditures of the fund and to adopt annually, after a public hearing, ~~an assessment of funding needed to ensure all Californians have access to safe drinking water.~~ *assessment of funding need that estimates the anticipated funding needed for the next fiscal year to achieve the purposes of the fund.* The bill would require, by January 1, 2019, the *state board*, in consultation with local health officers and other relevant stakeholders, to make available a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water

*quality testing performed by certified laboratories to the board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program.* By creating a new continuously appropriated fund, this bill would make an appropriation.

~~The bill would state the intent of the Legislature to subsequently amend the bill to seek specific funding from agricultural operations to assist in providing emergency, interim, and long-term assistance to community water systems and individual domestic well users whose wells are located in agricultural areas.~~

~~(2) The act provides for the operation of public water systems and imposes on the state board various duties and responsibilities for the regulation and control of drinking water in the state. The act generally does not apply to state small water systems, except that the act requires the board to adopt regulations specifying minimum requirements for operation of a state small water system, which are authorized to be less stringent than the requirements for public water systems, requires the enforcement of these requirements, and authorizes the reasonable costs of the local health officer to be recovered. The act, within 3 years after September 19, 1985, required the State Department of Public Health to, among other things, conduct training workshops to assist health officers in evaluation of small public water systems, as defined, for organic chemical contamination, and in sampling and testing procedures and required the local health officer, in consultation with the department, to conduct an evaluation of all small public water systems under their jurisdictions to determine the potential for contamination of groundwater sources by organic chemicals and to develop a sampling plan for each system within their jurisdiction. The act provided that these provisions were operative during any fiscal year only if the Legislature appropriated sufficient funds to pay for all state-mandated costs to be incurred by local agencies during that year due to these provisions.~~

~~This bill would require the state board, by January 1, 2019, to promulgate regulations to require state small water systems and individual domestic wells to test their water supply wells for contamination. The bill would require testing to be prioritized based on local water quality conditions and would require the state board to review these regulations at least every 5 years. The bill would exempt these provisions from the above-described inoperative provision.~~

(2) Existing law, the Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.

This bill would impose, until July 1, 2020, a safe and affordable drinking water fee in specified amounts on each customer of a public water system, to be administered by the state board, in consultation with the California Department of Tax and Fee Administration, in accordance with the Fee Collection Procedures Law. The bill would exempt from the fee a customer that self-certifies under penalty of perjury the customer's satisfaction of specified criteria relating to income. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require, beginning July 1, 2020, the state board to annually determine the amounts of the safe and affordable drinking water fee not to exceed the amounts imposed until July 1, 2020, and not to exceed the anticipated funding need in the most recent assessment of funding need adopted by the state board pursuant to the Safe and Affordable Drinking Water Fund provisions, as prescribed. The bill would require the state board, by July 1, 2020, to adopt regulations, in consultation with the Public Utilities Commission, relating to an exemption from the fee for low-income households, as specified. The bill would require a public water system to collect the fee and to remit these moneys to the state board to be deposited into the Safe and Affordable Drinking Water Fund. The bill would authorize a public water system to apply to the state board to use an alternative method to calculate the fee. By expanding the application of the Fee Collection Procedures Law that imposes criminal penalties for various acts, this bill would impose a state-mandated local program.

(3) Existing law requires every person who manufactures or distributes fertilizing materials to be licensed by the Secretary of Food and Agriculture and to pay a license fee that does not exceed \$300. Existing law requires every lot, parcel, or package of fertilizing material to have a label attached to it, as required by the secretary. Existing law requires a licensee who sells or distributes bulk fertilizing materials to pay to the secretary an assessment not to exceed \$0.002 per dollar of sales for all sales of fertilizing materials, as prescribed, for the purposes of the administration and enforcement of provisions relating to fertilizing materials. In addition to that assessment, existing law authorizes the secretary to impose an assessment in an amount not to exceed \$0.001 per dollar of sales for all sales of fertilizing materials for the purpose

*of providing funding for research and education regarding the use of fertilizing materials. Existing law specifies that a violation of the fertilizing material laws or the regulations adopted pursuant to those laws is a misdemeanor.*

*This bill, until January 1, 2033, would require a licensee to pay to the secretary a fertilizer safe drinking water fee of \$0.005 per dollar of sale for all sales of fertilizing materials. The bill, on and after January 1, 2033, would reduce the fee to \$0.002 per dollar of sale and would authorize the secretary to reduce the fee as necessary to not exceed the anticipated funding need in the most recent assessment of funding need adopted by the board pursuant to the Safe and Affordable Drinking Water Fund provisions. The bill would require these moneys to be deposited into the Safe and Affordable Drinking Water Fund. The bill would authorize the secretary to adopt regulations relating to the administration and enforcement of these provisions. Because a violation of these provisions or regulations adopted pursuant to these provisions would be a crime, the bill would impose a state-mandated local program.*

*(4) Existing law regulates the production, handling, and marketing of milk and dairy products and requires every milk handler subject to that regulatory scheme to pay specified assessments and fees to the Secretary of Food and Agriculture to cover the costs of regulating milk. Existing law governing milk defines “handler” as any person who, either directly or indirectly, receives, purchases, or otherwise acquires ownership, possession, or control of market milk from a producer, a producer-handler, or another handler for the purpose of manufacture, processing, sale, or other handling. Existing law defines “market milk” as milk conforming to specified standards and “manufacturing milk” as milk that does not conform to the requirements of market milk. Existing law provides that a violation of that regulatory scheme or a regulation adopted pursuant to that regulatory scheme is a misdemeanor.*

*This bill would require, beginning January 1, 2020, until January 1, 2035, each handler subject to that regulatory scheme to deduct from payments made to producers for market and manufacturing milk the sum of \$0.01355 per hundredweight of milk as a dairy safe drinking water fee. On and after January 1, 2035, the bill would reduce the fee to \$0.00678 per hundredweight of milk and would authorize the secretary to reduce the fee as necessary to not exceed the anticipated funding need in the most recent assessment of funding need adopted by*

*the board pursuant to the Safe and Affordable Drinking Water Fund provisions. The bill would require these moneys to be deposited into the Safe and Affordable Drinking Water Fund. The bill would authorize the secretary to take specified enforcement actions and would require the secretary to adopt regulations for the administration and enforcement of these provisions. Because a violation of these provisions or regulations adopted pursuant to these provisions would be a crime, the bill would impose a state-mandated local program.*

(3)

(5) Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality. The act requires the state board to formulate and adopt state policies for water quality control and requires the regional boards to adopt regional water quality control plans in compliance with the state policies. Under the act, the state board and the regional boards prescribe waste discharge requirements for the discharge of waste that could affect the quality of the waters of the state. The act requires, upon the order of a regional board, a person who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, to clean up the waste or abate the effects of the waste, or in the case of threatened pollution or nuisance, to take other remedial action.

This bill would prohibit the state board or a regional board, until January 1, 2028, from subjecting an agricultural operation, as defined, to specified enforcement for causing or contributing to an exceedance of a water quality objective for nitrate in groundwater or for causing or contributing to a condition of pollution or nuisance for nitrates in groundwater if that agricultural operation demonstrates that it has satisfied certain mitigation requirements, including, among other requirements, the timely payment of any applicable fee, assessment, or charge ~~the fertilizer safe drinking water fee or the dairy safe drinking water fee, as applicable,~~ into the fund. The bill would prohibit the state board or a regional board, beginning January 1, 2028, until January 1, 2033, from subjecting an agricultural operation to specified enforcement for creating or threatening to create a condition of pollution or nuisance for nitrate in groundwater if that agricultural operation demonstrates that it has satisfied the prescribed mitigation requirements. The bill

would require the state board, by January 1, 2027, to conduct a public review of regulatory and basin plan amendment implementation programs to evaluate progress toward achieving water quality objectives with respect to nitrates in groundwater and assess compliance with adopted timelines, monitoring requirements, and implementation of best practicable treatment or control.

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 116395 of the Health and Safety Code~~  
2     ~~is amended to read:~~  
3     ~~116395. (a) The Legislature finds and declares all of the~~  
4     ~~following:~~  
5     ~~(1) The large water system testing program has discovered~~  
6     ~~chemical contamination of the state's drinking water with~~  
7     ~~increasing frequency.~~  
8     ~~(2) A significant number of California residents rely on the~~  
9     ~~state's small water systems and individual domestic wells to~~  
10    ~~provide their water.~~  
11    ~~(3) The small systems and individual domestic wells, because~~  
12    ~~they tend to be located in outlying rural areas where pesticide use~~  
13    ~~is prevalent, and because they draw their water from shallow~~  
14    ~~aquifers, face a serious threat of contamination.~~  
15    ~~(4) Unchecked water sources that may be contaminated pose a~~  
16    ~~potentially serious threat to the health of the citizens of California,~~  
17    ~~particularly those living in outlying rural areas.~~

1     ~~(5) It is in the interest of all Californians that a testing program~~  
2     ~~for small public water systems and individual domestic wells be~~  
3     ~~implemented and carried out as expeditiously as possible.~~

4     ~~(6) Section 106.3 of the Water Code declares that every~~  
5     ~~Californian has the right to sufficient clean, safe, affordable, and~~  
6     ~~accessible water adequate for human consumption, cooking, and~~  
7     ~~sanitary purposes.~~

8     ~~(7) To ensure that the right of every Californian to sufficient~~  
9     ~~clean, safe, affordable, and accessible water adequate for human~~  
10    ~~consumption, cooking, and sanitary purposes is met, it is in the~~  
11    ~~interest of the State of California to identify water quality threats~~  
12    ~~in the state's drinking water supply, to the extent feasible, whether~~  
13    ~~those supplies serve a public water system, state small water~~  
14    ~~system, or an individual domestic well.~~

15    ~~(b) (1) For purposes of this section, "small public water system"~~  
16    ~~means a system with 200 connections or less, and is one of the~~  
17    ~~following:~~

18    ~~(A) A community water system that serves at least 15 service~~  
19    ~~connections used by yearlong residents or regularly serves at least~~  
20    ~~25 yearlong residents.~~

21    ~~(B) A state small water system.~~

22    ~~(C) A noncommunity water system such as a school, labor camp,~~  
23    ~~institution, or place of employment, as designated by the state~~  
24    ~~board.~~

25    ~~(2) For the purposes of this section, "individual domestic well"~~  
26    ~~means a groundwater well used to supply water for the domestic~~  
27    ~~needs of an individual residence or systems of four or less service~~  
28    ~~connections.~~

29    ~~(c) The state board shall conduct training workshops to assist~~  
30    ~~health officers in evaluation of small public water systems for~~  
31    ~~organic chemical contamination, and in sampling and testing~~  
32    ~~procedures. The state board shall, at a minimum, provide health~~  
33    ~~officers with guidelines for evaluating systems and instructions~~  
34    ~~for sampling.~~

35    ~~(d) The state board shall develop a schedule for conduct of the~~  
36    ~~programs by the local health officers. The schedule shall establish~~  
37    ~~a program to address first those systems with the most serious~~  
38    ~~potential for contamination. The state board shall enter into~~  
39    ~~agreements with the local health agencies to conduct the necessary~~  
40    ~~work to be performed pursuant to the schedule. The department~~



1 shall begin the program no later than three months after September  
2 19, 1985. All local health officers shall complete the evaluation;  
3 sampling, testing, review of sampling results, and notification to  
4 the public water systems within their jurisdiction in accordance  
5 with the agreements entered into with the state board and within  
6 the schedule established by the state board. All work required by  
7 this subdivision shall be completed within three years after  
8 September 19, 1985.

9 (e) By January 1, 2019, the state board shall promulgate  
10 regulations to require state small water systems and individual  
11 domestic wells to test their water supply wells for contamination.  
12 The state board shall prioritize testing based on local water quality  
13 conditions. The state board shall review these regulations at least  
14 every five years.

15 (f) (1) Except as provided in paragraph (2), this section shall  
16 be operative during any fiscal year only if the Legislature  
17 appropriates sufficient funds to pay for all state-mandated costs  
18 to be incurred by local agencies pursuant to this section during  
19 that year.

20 (2) Subdivisions (a), (b), (c), and (f) shall not become  
21 inoperative.

22 SECTION 1. Article 6.5 (commencing with Section 14615) is  
23 added to Chapter 5 of Division 7 of the Food and Agricultural  
24 Code, to read:

25  
26 Article 6.5. Fertilizer Safe Drinking Water Fee  
27

28 14615. (a) It is the intent of the Legislature to require licensees  
29 of bulk fertilizing materials, and to authorize licensees of packaged  
30 fertilizing materials, to pass the fertilizer safe drinking water fee  
31 on to the end user of the fertilizer.

32 (b) For purposes of this article, the following definitions apply:

33 (1) "Bulk fertilizing material" has the same meaning as applies  
34 to "bulk material" in Section 14517.

35 (2) "Fertilizing material" has the same meaning as defined in  
36 Section 14533.

37 (3) "Fund" means the Safe and Affordable Drinking Water  
38 Fund established by Section 116767 of the Health and Safety Code.

39 (4) "Packaged" has the same meaning as defined in Section  
40 14551.

1     14616. (a) In addition to the assessments provided in Section  
2     14611, a licensee whose name appears on the label of bulk or  
3     packaged fertilizing materials shall pay to the secretary a fertilizer  
4     safe drinking water fee of five mills (\$0.005) per dollar of sales  
5     for all sales of fertilizing materials to be deposited into the fund.

6     (b) This section shall remain in effect only until January 1, 2033,  
7     and as of that date is repealed, unless a later enacted statute that  
8     is enacted before January 1, 2033, deletes or extends that date.

9     14616. (a) In addition to the assessments provided in Section  
10    14611, a licensee whose name appears on the label of bulk or  
11    packaged fertilizing materials shall pay to the secretary a fertilizer  
12    safe drinking water fee of two mills (\$0.002) per dollar of sales  
13    for all sales of fertilizing materials to be deposited into the fund.

14    (b) The secretary may reduce the fertilizer safe drinking water  
15    fee as necessary to not exceed the anticipated funding need in the  
16    most recent assessment of funding need adopted by the State Water  
17    Resources Control Board pursuant to subdivision (b) of Section  
18    116769 of the Health and Safety Code. By October 1 of each year,  
19    the secretary shall notify all licensees of the amount of the fertilizer  
20    safe drinking water fee to be assessed in the following calendar  
21    year.

22    (c) This section shall become operative on January 1, 2033.

23    14617. (a) (1) A licensee whose name appears on the label  
24    who sells or distributes bulk fertilizing materials shall charge an  
25    unlicensed purchaser the fertilizer safe drinking water fee as a  
26    charge that is separate from, and not included in, any other fee,  
27    charge, or other amount paid by the purchaser. This fee shall be  
28    included on the bill of sale as a separate line item.

29    (2) A licensee whose name appears on the label of packaged  
30    fertilizing materials may include the fertilizer safe drinking water  
31    fee as a charge that is separate from, and not included in, any  
32    other fee, charge, or other amount paid by the purchaser.

33    (b) The secretary may prescribe, adopt, and enforce regulations  
34    relating to the administration and enforcement of this article.

35    (c) The secretary may retain up to 2 percent of the moneys  
36    collected pursuant to this article for reasonable costs associated  
37    with the implementation and enforcement of this article.

38    SEC. 2. Article 14.5 (commencing with Section 62215) is added  
39    to Chapter 2 of Part 3 of Division 21 of the Food and Agricultural  
40    Code, to read:

Article 14.5. Dairy Safe Drinking Water Fee

62215. (a) *It is the intent of the Legislature that the dairy safe drinking water fee be paid for all milk purchased in the state, regardless of grade.*

(b) *For purposes of this article, the following definitions apply:*

(1) *“Fee” means the dairy safe drinking water fee.*

(2) *“Manufacturing milk” has the same meaning as defined in Section 32509.*

(3) *“Market milk” has the same meaning as defined in Section 32510.*

(4) *“Milk” includes market milk and manufacturing milk.*

62216. (a) *Beginning January 1, 2020, each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of \$0.01355 per hundredweight of milk from payments made to producers for milk, including the handler’s own production, as a dairy safe drinking water fee.*

(b) *The secretary shall adopt regulations necessary for the proper administration and enforcement of this section by January 1, 2020.*

(c) *This section shall remain in effect only until January 1, 2035, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2035, deletes or extends that date.*

62216. (a) *Each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of \$0.00678 per hundredweight of milk from payments made to producers for milk, including the handler’s own production, as a dairy safe drinking water fee.*

(b) *The secretary may reduce the fee, and may adjust the fee reduction from time to time, as necessary to not exceed the anticipated funding need in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code.*

(c) *The secretary shall adopt regulations necessary for the proper administration and enforcement of this section.*

(d) *This section shall become operative on January 1, 2035.*

1     62217. (a) A handler shall pay the dairy safe drinking water  
2 fee to the secretary on or before the 45th day following the last  
3 day of the month in which the milk was received.

4     (b) The secretary shall remit the moneys paid to him or her  
5 pursuant to this article to the State Water Resources Control Board  
6 for deposit into the Safe and Affordable Drinking Water Fund  
7 established by Section 116767 of the Health and Safety Code. The  
8 secretary may retain up to 2 percent of the total amount that is  
9 paid to the secretary for the purposes of covering administrative  
10 costs borne by the secretary for implementing this section.

11     (c) The secretary may require handlers, including cooperative  
12 associations acting as handlers, to make reports at any intervals  
13 and in any detail that he or she finds necessary for the accurate  
14 collection of the fee.

15     (d) For the purposes of enforcing this article, the secretary,  
16 through his or her duly authorized representatives and agents,  
17 shall have access to the records of every producer and handler.  
18 The secretary shall have at all times free and unimpeded access  
19 to any building, yard, warehouse, store, manufacturing facility,  
20 or transportation facility in which any milk or milk product is  
21 produced, bought, sold, stored, bottled, handled, or manufactured.

22     (e) Any books, papers, records, documents, or reports made to,  
23 acquired by, prepared by, or maintained by the secretary pursuant  
24 to this article that would disclose any information about finances,  
25 financial status, financial worth, composition, market share, or  
26 business operations of any producer or handler, excluding  
27 information that solely reflects transfers of production base and  
28 pool quota among producers, is confidential and shall not be  
29 disclosed to any person other than the person from whom the  
30 information was received, except pursuant to the final order of a  
31 court with jurisdiction, or as necessary for the proper  
32 determination of any proceeding before the secretary.

33     ~~SEC. 2.~~

34     SEC. 3. Chapter 4.6 (commencing with Section 116765) is  
35 added to Part 12 of Division 104 of the Health and Safety Code,  
36 to read:

CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER

*Article 1. Legislative Findings and Declarations*

*116765. The Legislature finds and declares all of the following:*

*(a) Section 106.3 of the Water Code declares that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.*

*(b) For all public water systems, the operation and maintenance costs to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis may be significant.*

*(c) All public water systems are currently required to set, establish, and charge a schedule of rates and fees that are sufficient to recover the operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis.*

*(d) Hundreds of public water systems in the state cannot charge rates and fees that are affordable and sufficient to recover the full operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis due to a combination of low income levels of customers, high treatment costs for contaminated water sources, and a lack of economies of scale that result in high unit costs for water service. Many schools that serve as their own regulated public water systems and have contaminated water sources cannot afford the full operation and maintenance costs required to provide water that meets federal and state drinking water standards.*

*(e) Nearly all state or federal drinking water project funding sources prohibit the use of that funding for operation and maintenance costs, and as a result, those systems that cannot afford required operation and maintenance costs are unable to access funding for capital projects to meet federal and state drinking water standards.*

*(f) As a result, hundreds of thousands of Californians, particularly those living in small disadvantaged communities, may be exposed to unsafe drinking water in their homes and schools,*

1 *which impacts human health, household costs, and community*  
2 *economic development.*

3 *(g) A significant number of California residents rely on state*  
4 *small water systems and domestic wells to provide their drinking*  
5 *water.*

6 *(h) State small water systems and domestic wells are not*  
7 *currently subject to any comprehensive federal or state*  
8 *requirements for chemical water quality monitoring. Many local*  
9 *agencies do not require any monitoring beyond what is required*  
10 *by state law, and there are wide discrepancies among local*  
11 *jurisdictions in well monitoring programs.*

12 *(i) The state small water systems and individual domestic wells*  
13 *face a serious threat of contamination because they often draw*  
14 *their water from shallow groundwater sources and have fewer or*  
15 *no chemical monitoring requirements.*

16 *(j) To ensure that the right of every Californian to safe, clean,*  
17 *affordable, and accessible water adequate for human consumption,*  
18 *cooking, and sanitary purposes is protected, it is in the interest of*  
19 *the State of California to identify where Californians are at high*  
20 *risk of lacking reliable access to safe drinking water or are known*  
21 *to lack reliable access to safe drinking water, whether they rely*  
22 *on a public water system, state small water system, or domestic*  
23 *well for their potable water supply.*

24 *(k) Long-term sustainability of drinking water infrastructure*  
25 *and service provision is necessary to secure safe drinking water*  
26 *for all Californians and therefore it is in the interest of the state*  
27 *to discourage the proliferation of new, unsustainable public water*  
28 *systems and state small water systems, to prevent waste, and to*  
29 *encourage consolidation and service extension when feasible.*

30 *(l) It is in the interest of all Californians to establish a fund with*  
31 *a stable source of revenue to provide financial support, particularly*  
32 *for operation and maintenance, necessary to secure access to safe*  
33 *drinking water for all Californians, while also ensuring the long*  
34 *term sustainability of drinking water service and infrastructure.*

35  
36 *Article 2. Definitions*  
37

38 ~~116765.~~

39 116766. For the purposes of this chapter:

1     ~~(a) “Agricultural operations” has the same meaning as defined~~  
2     ~~in Section 13050 of the Water Code.~~

3     (a) “Administrator” *has the same meaning as defined in Section*  
4     *116686.*

5     (b) “Board” means the State Water Resources Control Board.

6     (c) “Community water system” has the same meaning as defined  
7     in Section 116275.

8     (d) “Customer” *has the same meaning as defined in Section*  
9     *10612 of the Water Code.*

10    ~~(d)~~

11    (e) “Disadvantaged community” has the same meaning as  
12    defined in Section 116275.

13    (f) “Domestic well” *means a groundwater well used to supply*  
14    *water for the domestic needs of an individual residence or water*  
15    *systems with no more than four service connections.*

16    ~~(e)~~

17    (g) “Fund” means the Safe and Affordable Drinking Water Fund  
18    established pursuant to Section ~~116766~~. 116767.

19    (h) “Fund implementation plan” *means the fund implementation*  
20    *plan adopted pursuant to Section 116769.*

21    ~~(f)~~

22    (i) “Nontransient noncommunity water system” has the same  
23    meaning as defined in Section 116275.

24    ~~(g)~~

25    (j) “Public water system” has the same meaning as defined in  
26    Section 116275.

27    ~~(h)~~

28    (k) “Replacement water” includes, but is not limited to, bottled  
29    water, point-of-use, or point-of-entry treatment units.

30    ~~(i) “Safe Drinking Water Plan” means the plan prepared pursuant~~  
31    ~~to Section 116355.~~

32    (l) “Safe drinking water” *has the same meaning as defined in*  
33    *Section 116681.*

34    (m) “Service connection” *has the same meaning as defined in*  
35    *Section 116275.*

36    (n) “Small community water system” *has the same meaning as*  
37    *defined in Section 116275.*

38    (o) “State small water system” has the same meaning as defined  
39    in Section 116275.



1           *Article 3. Safe and Affordable Drinking Water Fund*

2  
3       ~~116766.~~

4       116767. The Safe and Affordable Drinking Water Fund is  
5 hereby established in the State Treasury. Notwithstanding Section  
6 13340 of the Government Code, all moneys in the fund are  
7 continuously appropriated to ~~the Office of Sustainable Water~~  
8 ~~Solutions within~~ the board without regard to fiscal years, in  
9 accordance with this chapter. Moneys in the fund at the close of  
10 the fiscal year shall remain in the fund and shall not revert to the  
11 General Fund.

12       ~~116767.~~

13       116768. (a) The board shall administer the fund for the  
14 purposes of this chapter to provide a stable source of funding to  
15 ~~assist communities and individual domestic well users to address~~  
16 ~~contaminants in drinking water that exceed~~ *secure access to safe*  
17 *drinking water standards, the treatment of which would otherwise*  
18 ~~make the cost of water service unaffordable for all Californians,~~  
19 *while also ensuring the long-term sustainability of drinking water*  
20 *service and infrastructure.* The board shall prioritize the use of  
21 this funding to assist ~~low-income disadvantaged~~ communities and  
22 low-income individual domestic well users. ~~In addition, order to~~  
23 *maximize the use of other funding sources for capital construction*  
24 *projects when available,* the board shall prioritize ~~the~~ use of this  
25 funding for costs other than those related to capital construction  
26 ~~costs. An costs, except for capital construction costs associated~~  
27 *with consolidation and service extension to reduce the ongoing*  
28 *unit cost of service and to increase sustainability of drinking water*  
29 *infrastructure and service delivery. Beginning January 1, 2019,*  
30 *an expenditure from the fund shall be consistent with the annual*  
31 *fund implementation plan developed pursuant to Section 116769.*  
32 ~~On and after January 1, 2020, the total unencumbered amount in~~  
33 ~~the fund shall not exceed the board's total estimated need for~~  
34 ~~moneys in the fund over a two-year period.~~ *plan.*

35       (b) In accordance with subdivision (a), the board shall expend  
36 moneys in the fund for grants, loans, contracts, or services to assist  
37 ~~those communities and individual domestic well owners that rely~~  
38 ~~on contaminated drinking water to have access to safe and~~  
39 ~~affordable drinking water~~ *eligible applicants* with any of the  
40 following:

(1) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(2) The development, implementation, and sustainability of long-term solutions, including, but not limited to, *technical assistance*, planning, construction, and operation and maintenance costs associated with replacing, blending, or treating contaminated wells and drinking water sources, consolidating water systems, systems, or extending drinking water services to other public water systems, domestic wells, or state small water systems. Technical assistance and planning costs may include, but are not limited to, analyses to identify, and efforts to further, opportunities to reduce the unit cost of providing drinking water through organizational and operational efficiency improvements, system consolidation and service extension, implementation of new technology, and other options and approaches to reduce costs.

(3) Identifying and providing outreach to Californians without access to safe drinking water who are eligible to receive assistance from the fund and providing outreach to them. fund.

(4) Testing the drinking water quality of individual domestic wells serving low-income households: households with an income equal to or less than 200 percent of the federal poverty level in high risk areas identified pursuant to Article 4 (commencing with Section 116770).

(c) Eligible applicants for funding include public water systems; public agencies, including, but not limited to, local educational agencies; nonprofit organizations, public utilities, organizations; federally recognized Indian tribes, tribes; state Indian tribes listed on the Native American Heritage Commission's California tribal consultation list, Tribal Consultation List; administrators; and groundwater sustainability agencies, and mutual water companies. agencies.

(d) The board may expend moneys from the fund for reasonable costs associated with administration of the fund. Beginning July 1, 2020, the board may expend up to no more than 5 percent of the annual expenditures from the fund for reasonable costs associated with administration of the fund.

(e) The board may undertake any of the following actions to implement the fund:

(1) Provide for the deposit of any of the following available and necessary moneys into the fund:

1 (A) Federal contributions.

2 (B) Voluntary contributions, gifts, grants, or bequests.

3 (C) *Settlements from parties responsible for contamination of*  
4 *drinking water supplies.*

5 (2) Enter into agreements for contributions to the fund from the  
6 federal government, local or state agencies, and private  
7 corporations or nonprofit organizations.

8 (3) Provide for appropriate audit, accounting, and fiscal  
9 management services, plans, and reports relative to the fund.

10 (4) *Direct portions of the fund to a subset of eligible applicants*  
11 *as required or appropriate based on funding source and consistent*  
12 *with the annual fund implementation plan.*

13 ~~(4)~~

14 (5) Take additional incidental action as may be appropriate for  
15 adequate administration and operation of the fund.

16 (f) *In administering the fund, the board shall make reasonable*  
17 *efforts to ensure all of the following:*

18 (1) *That parties responsible for contamination of drinking water*  
19 *supplies affecting an eligible applicant can be directly or easily*  
20 *identified by the board to pay or reimburse costs associated with*  
21 *contamination.*

22 (2) *That funds are used to secure the long-term sustainability*  
23 *of drinking water service and infrastructure, including, but not*  
24 *limited to, requiring adequate technical, managerial, and financial*  
25 *capacity of eligible applicants as part of funding agreement*  
26 *outcomes. Funding shall be prioritized to implement consolidations*  
27 *and service extensions when feasible, and administrative and*  
28 *managerial contracts entered into pursuant to Section 116686*  
29 *where applicable. Funds shall not be used to delay, prevent, or*  
30 *avoid the consolidation or extension of service to public water*  
31 *systems where it is feasible and the least-cost alternative. The*  
32 *board may set appropriate requirements as a condition of funding,*  
33 *including, but not limited to, a system technical, managerial, or*  
34 *financial capacity audit, improvements to reduce costs and increase*  
35 *efficiencies, an evaluation of alternative treatment technologies,*  
36 *and a consolidation or service extension feasibility study. As a*  
37 *condition of funding, the board may require a domestic well with*  
38 *nitrate contamination where ongoing septic system failure may be*  
39 *causing or contributing to contamination of a drinking water*  
40 *source to conduct an investigation and project to address the septic*

1 *system failure if adequate funding sources are identified and*  
2 *accessible.*

3 *(3) That funds are not used to subsidize large-scale nonpotable*  
4 *use, to the extent feasible.*

5 *(g) At least once every 10 years, the board shall conduct a public*  
6 *review and assessment of the Safe and Affordable Drinking Water*  
7 *Fund, including, but not limited to, the effectiveness of the fund,*  
8 *the appropriateness of fees deposited into the fund, and any actions*  
9 *needed to carry out the purposes of this chapter. The board shall*  
10 *post the information it gathers on its Internet Web site and shall*  
11 *submit the information to the Legislature in compliance with*  
12 *Section 9795 of the Government Code.*

13 ~~116768. It is the intent of the Legislature to subsequently amend~~  
14 ~~this section to seek specific funding from agricultural operations~~  
15 ~~to assist in providing emergency, interim, and long-term assistance~~  
16 ~~to community water systems and individual domestic well users~~  
17 ~~whose wells have been impacted by nitrate contamination and~~  
18 ~~whose wells are located in agricultural areas.~~

19 ~~116769.~~

20 ~~116769. Annually, By July 1 of each year, the board shall do~~  
21 ~~all of the following:~~

22 ~~(a) Prepare and make available a report of expenditures from~~  
23 ~~the fund.~~

24 ~~(b) Adopt, after a public hearing, an assessment of funding~~  
25 ~~needed to ensure all Californians have access to safe drinking~~  
26 ~~water. This annual assessment shall incorporate information~~  
27 ~~contained in the Safe Drinking Water Plan and include a list of~~  
28 ~~community water systems and nontransient noncommunity water~~  
29 ~~systems without access to safe drinking water, as well as~~  
30 ~~identification of small communities and rural populations not~~  
31 ~~served by public water systems that do not have access to safe~~  
32 ~~drinking water. need, based on available data, that includes all of~~  
33 ~~the following:~~

34 ~~(1) Identification of systems and populations potentially in need~~  
35 ~~of assistance, including all of the following:~~

36 ~~(A) A list of systems that consistently fail to provide an adequate~~  
37 ~~supply of safe drinking water. The list shall include, but is not~~  
38 ~~limited to, all of the following:~~

39 ~~(i) Any public water system that consistently fails to provide an~~  
40 ~~adequate supply of safe drinking water.~~

1 (ii) Any community water system that serves a disadvantaged  
2 community that must charge fees that exceed the affordability  
3 threshold established in the Clean Water State Revolving Fund  
4 Intended Use Plan in order to supply, treat, and distribute potable  
5 water that complies with federal and state drinking water  
6 standards.

7 (iii) Any state small water system that consistently fails to  
8 provide an adequate supply of safe drinking water.

9 (B) A list of programs that assist, or that will assist, households  
10 supplied by a domestic well that consistently fails to provide an  
11 adequate supply of safe drinking water. This list shall include the  
12 number and approximate location of households served by each  
13 program without identifying exact addresses or other personal  
14 information.

15 (C) A list of public water systems and state small water systems  
16 that may be at risk of failing to provide an adequate supply of safe  
17 drinking water.

18 (D) An estimate of the number of households that are served by  
19 domestic wells or state small water systems in high risk areas  
20 identified pursuant to Article 4 (commencing with Section 116770).  
21 The estimate shall identify approximate locations of households,  
22 without identifying exact addresses or other personal information,  
23 in order to identify potential target areas for outreach and  
24 assistance programs.

25 (2) An analysis of anticipated funding needed for known  
26 projects, services, or programs by eligible applicants, consistent  
27 with the fund implementation plan, including any funding needed  
28 for existing long-term funding commitments from the fund. The  
29 board shall identify and consider other existing funding sources  
30 able to support any projects, services, or programs identified,  
31 including, but not limited to, local funding capacity, state or federal  
32 funding sources for capital projects, funding from responsible  
33 parties, and specialized funding sources contributing to the fund.

34 (3) An estimate of the funding needed for the next fiscal year  
35 based on the amount available in the fund, anticipated funding  
36 needs, other existing funding sources, and other relevant data and  
37 information.

38 (c) (1) Adopt, after a public hearing, a fund implementation  
39 plan with priorities and guidelines for expenditures of the fund.

40 The

(2) *The board shall work with a multistakeholder advisory group that shall be open to participation by representatives of entities paying into the fund, public water systems, technical assistance providers, local agencies, ~~affected persons~~, nongovernmental organizations, residents served by community water systems in disadvantaged communities, state small water systems, domestic wells, and the public, to establish priorities for the plan.*

~~(2) The fund implementation plan shall prioritize eligibility for expenditures of the fund based on the following:~~

~~(A) A water system's current or projected water rates needed to ensure safe drinking water exceed or will exceed 1.5 percent of the median household income for that water system and the water system qualifies as a disadvantaged community.~~

~~(B) The costs for providing potable water for an individual domestic well exceed or will exceed 1.5 percent of the household's income and the household's income is less than 80 percent of the statewide household median income.~~

#### *Article 4. Information on High Risk Areas*

*116770. (a) (1) By January 1, 2019, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a map of aquifers that are at high risk of containing contaminants and that exceed primary federal and state drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map at least annually based on any newly available data.*

*(2) The board shall make the map of high risk areas, as well as the data used to make the map, publicly accessible on its Internet Web site in a manner that does not identify exact addresses or other personal information and that complies with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board shall notify local health officers and county planning agencies of high risk areas within their jurisdictions.*

*(b) (1) A local health officer or other relevant local agency shall provide all results of, and data associated with, water quality testing performed by certified laboratories for a state small water system or domestic well that is in the possession of the local health*

1 officer or other relevant local agency in an electronic format to  
2 the board by January 1, 2019.

3 (2) On and after January 1, 2019, a local health officer or other  
4 relevant local agency shall require all results of, and data  
5 associated with, water quality testing performed by a certified  
6 laboratory for a state small water system or domestic well that is  
7 submitted to the local health officer or other relevant local agency  
8 to also be submitted directly to the board in electronic format.

9  
10 Article 5. Safe and Affordable Drinking Water Fee

11  
12 116771. (a) (1) Until July 1, 2020, there is hereby imposed  
13 a safe and affordable drinking water fee on each person or entity  
14 that purchases water from a public water system, as follows:

15 (A) For a customer with a water meter that is less than or equal  
16 to one inch in size, the fee shall be ninety-five cents (\$0.95) per  
17 month.

18 (B) For a customer with a water meter that is greater than one  
19 inch and less than or equal to two inches in size, the fee shall be  
20 four dollars (\$4) per month.

21 (C) For a customer with a water meter that is greater than two  
22 inches and less than or equal to four inches in size, the fee shall  
23 be six dollars (\$6) per month.

24 (D) For a customer with a water meter that is greater than four  
25 inches in size, the fee shall be ten dollars (\$10) per month.

26 (E) For a customer without a water meter, the fee shall be  
27 ninety-five cents (\$0.95) per month.

28 (2) A customer that self-certifies under penalty of perjury to the  
29 public water system collecting the fee that he or she meets either  
30 of the following criteria shall be exempt from the payment of the  
31 fee:

32 (i) The customer's household income is equal to or less than  
33 200 percent of the federal poverty level.

34 (ii) The customer operates a deed-restricted multifamily housing  
35 development that is required to provide housing exclusively to  
36 tenants with household incomes equal to or less than 200 percent  
37 of the federal poverty level.

38 (3) (A) A customer that is already enrolled in a program offered  
39 by a public water system that is designed specifically to reduce  
40 the cost of water service incurred by customers who meet



1 *established income guidelines is exempt from the payment of the*  
2 *fee.*

3 *(B) A connection or meter that is used exclusively for fire flow*  
4 *or uses nonpotable water, including, but not limited to, recycled*  
5 *water, is exempt from the fee.*

6 *(4) A customer that has multiple connections or meters serving*  
7 *a single address shall only pay a single monthly fee based on the*  
8 *customer's largest metered connection.*

9 *(b) (1) (A) Beginning July 1, 2020, each person or entity that*  
10 *purchases water from a public water system shall be assessed a*  
11 *fee according to a fee schedule established by the board for the*  
12 *purposes of the Safe and Affordable Drinking Water Fund.*

13 *(B) The fee schedule shall not exceed the amounts established*  
14 *in paragraph (1) of subdivision (a).*

15 *(C) The board shall review and revise the fee schedule each*  
16 *fiscal year as necessary to not exceed the anticipated funding need*  
17 *in the most recent assessment of funding need.*

18 *(D) The fee schedule shall establish that a customer that has*  
19 *multiple connections or meters serving a single address shall only*  
20 *pay a single monthly fee pursuant to this section, based on its*  
21 *largest metered connection.*

22 *(E) (i) The fee schedule shall exempt any connection or meter*  
23 *that is used exclusively for fire flow or utilizes nonpotable water,*  
24 *including, but not limited to, recycled water.*

25 *(ii) By July 1, 2020, the board, in consultation with the Public*  
26 *Utilities Commission, shall adopt regulations to exempt households*  
27 *with incomes equal to or less than 200 percent of the federal*  
28 *poverty level from the fee established in the fee schedule pursuant*  
29 *to this subdivision. The Public Utilities Commission shall provide*  
30 *consultation, as well as relevant data, from the California Alternate*  
31 *Rates for Energy or CARE program established pursuant to Section*  
32 *739.1 of the Public Utilities Code and from the water utility*  
33 *low-income rate payer assistance programs developed pursuant*  
34 *to Section 739.8 of the Public Utilities Code to the board to aid*  
35 *in development and implementation of the regulations for*  
36 *exemption pursuant to this clause.*

37 *(2) (A) Beginning July 1, 2022, the fee schedule shall be set at*  
38 *an amount that does not result in the total uncommitted amount*  
39 *in the fund exceeding two times the anticipated funding need in*  
40 *the most recent assessment of funding need.*

1 (B) For purposes of this paragraph, “total uncommitted amount  
2 in the fund” does not include moneys in the fund from the fertilizer  
3 safe drinking water fee established by Article 6.5 (commencing  
4 with Section 14615) of Chapter 5 of Division 7 of the Food and  
5 Agricultural Code until January 1, 2033, and does not include  
6 moneys in the fund from the dairy safe drinking water fee  
7 established by Article 14.5 (commencing with Section 62215) of  
8 Chapter 2 of Part 3 of Division 21 of the Food and Agricultural  
9 Code until January 1, 2035.

10 (c) A public water system shall collect the fee from each of its  
11 customers and may retain an amount, as approved by the board,  
12 as reimbursement for the reasonable costs incurred by the public  
13 water system associated with the collection of the fee. For small  
14 community water systems, reasonable public water system  
15 administrative cost reimbursement shall not exceed five hundred  
16 dollars (\$500) or 2 percent of the total revenue collected,  
17 whichever is greater. For all other public water systems,  
18 reasonable public water system administrative cost reimbursement  
19 shall not exceed 1 percent of the total revenue from the fees  
20 collected. The public water system shall remit the remainder to  
21 the board on an annual schedule.

22 (d) The board may approve an exemption for a community water  
23 system and its customers from the requirements of this section if  
24 the board finds that the amount that would be required to be  
25 remitted to the board pursuant to this section would be de minimis.

26 (e) Notwithstanding any other provision of this article, a fee  
27 shall not be imposed pursuant to this article on a person or entity  
28 that is itself a public water system if that public water system is  
29 only purchasing water from a public water system to supply its  
30 own customers that are themselves being assessed the fee.

31 (f) All moneys remitted to the board under this article shall be  
32 deposited in the Safe and Affordable Drinking Water Fund. The  
33 moneys remitted to the board under this article shall not be  
34 available for appropriation or borrowed for use for any purpose  
35 not established in this chapter unless that use of the moneys  
36 receives an affirmative vote of two-thirds of the membership in  
37 each house of the Legislature.

38 116772. (a) A public water system may apply to the board to  
39 authorize the public water system to use an alternative method to  
40 calculate the amount owed by each customer for the charge

1 *imposed by Section 116771 by submitting an application, in a form*  
2 *prescribed by the board, that demonstrates both of the following:*

3 *(1) That the method required by statute, regulation, or fee*  
4 *schedule adopted by the board would be impractical for the public*  
5 *water system to collect.*

6 *(2) That the method proposed by the public water system would*  
7 *provide an approximately equivalent level of total revenue and is*  
8 *consistent with the fee restrictions in this article, including, but*  
9 *not limited to, amount maximums and exemptions.*

10 *(b) The board shall review any application submitted pursuant*  
11 *to subdivision (a) to determine whether the justifications*  
12 *demonstrated pursuant to paragraphs (1) and (2) of subparagraph*  
13 *(a) are valid. If the board denies the application, that denial shall*  
14 *be in writing and shall not be reviewable. If the board approves*  
15 *the application, the public water system may use the alternative*  
16 *method for an amount of time prescribed by the board, not to*  
17 *exceed five years.*

18 *(c) There is not a limit on the number of applications the board*  
19 *is authorized to approve pursuant to this section to establish or*  
20 *renew an alternative method of fee calculation.*

21 *116773. (a) The board, in consultation with the California*  
22 *Department of Tax and Fee Administration, shall administer and*  
23 *collect the fees imposed by this article in accordance with the Fee*  
24 *Collection Procedures Law (Part 30 (commencing with Section*  
25 *55001) of Division 2 of the Revenue and Taxation Code).*

26 *(b) For purposes of administration of the fee imposed by this*  
27 *article, the following references in the Fee Collection Procedures*  
28 *Law shall have the following meanings:*

29 *(1) "Board" or "State Board of Equalization" means the State*  
30 *Water Resources Control Board.*

31 *(2) "Fee" means the safe and affordable drinking water fee*  
32 *imposed pursuant to this article.*

33 *(3) "Feepayer" means a customer liable to pay the fee.*

34 *(c) The board, in consultation with the California Department*  
35 *of Tax and Fee Administration, may prescribe, adopt, and enforce*  
36 *regulations relating to the administration and enforcement of this*  
37 *article, including, but not limited to, collections, reporting, refunds,*  
38 *and appeals.*

39 *(d) The initial regulations adopted by the board to implement*  
40 *this article shall be adopted in accordance with Chapter 3.5*

1 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
2 *2 of the Government Code, and shall not rely on the statutory*  
3 *declaration of emergency in subdivision (e).*

4 *(e) Except as provided in subdivision (d), the regulations*  
5 *adopted pursuant to this section, any amendment to those*  
6 *regulations, or subsequent adjustments to the annual fees or*  
7 *adoption of fee schedule, shall be adopted by the board as*  
8 *emergency regulations in accordance with Chapter 3.5*  
9 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
10 *2 of the Government Code. The adoption of these regulations is*  
11 *an emergency and shall be considered by the Office of*  
12 *Administrative Law as necessary for the immediate preservation*  
13 *of the public peace, health, safety, and general welfare. Any*  
14 *emergency regulations adopted by the board, or adjustments to*  
15 *the annual fees made by the board pursuant to this section, shall*  
16 *remain in effect until revised by the board.*

17 ~~SEC. 3.~~

18 SEC. 4. Section 13050 of the Water Code is amended to read:

19 13050. As used in this division:

20 (a) "State board" means the State Water Resources Control  
21 Board.

22 (b) "Regional board" means any California regional water  
23 quality control board for a region as specified in Section 13200.

24 (c) "Person" includes any city, county, district, the state, and  
25 the United States, to the extent authorized by federal law.

26 (d) "Waste" includes sewage and any and all other waste  
27 substances, liquid, solid, gaseous, or radioactive, associated with  
28 human habitation, or of human or animal origin, or from any  
29 producing, manufacturing, or processing operation, including waste  
30 placed within containers of whatever nature prior to, and for  
31 purposes of, disposal.

32 (e) "Waters of the state" means any surface water or  
33 groundwater, including saline waters, within the boundaries of the  
34 state.

35 (f) "Beneficial uses" of the waters of the state that may be  
36 protected against quality degradation include, but are not limited  
37 to, domestic, municipal, ~~agricultural~~ *agricultural*, and industrial  
38 supply; power generation; recreation; aesthetic enjoyment;  
39 navigation; and preservation and enhancement of fish, wildlife,  
40 and other aquatic resources or preserves.

1 (g) “Quality of the water” refers to chemical, physical,  
2 biological, bacteriological, radiological, and other properties and  
3 characteristics of water which affect its use.

4 (h) “Water quality objectives” means the limits or levels of  
5 water quality constituents or characteristics which are established  
6 for the reasonable protection of beneficial uses of water or the  
7 prevention of nuisance within a specific area.

8 (i) “Water quality control” means the regulation of any activity  
9 or factor which may affect the quality of the waters of the state  
10 and includes the prevention and correction of water pollution and  
11 nuisance.

12 (j) “Water quality control plan” consists of a designation or  
13 establishment for the waters within a specified area of all of the  
14 following:

15 (1) Beneficial uses to be protected.

16 (2) Water quality objectives.

17 (3) A program of implementation needed for achieving water  
18 quality objectives.

19 (k) “Contamination” means an impairment of the quality of the  
20 waters of the state by waste to a degree which creates a hazard to  
21 the public health through poisoning or through the spread of  
22 disease. “Contamination” includes any equivalent effect resulting  
23 from the disposal of waste, whether or not waters of the state are  
24 affected.

25 (l) (1) “Pollution” means an alteration of the quality of the  
26 waters of the state by waste to a degree which unreasonably affects  
27 either of the following:

28 (A) The waters for beneficial uses.

29 (B) Facilities which serve these beneficial uses.

30 (2) “Pollution” may include “contamination.”

31 (m) “Nuisance” means anything which meets all of the following  
32 requirements:

33 (1) Is injurious to health, or is indecent or offensive to the senses,  
34 or an obstruction to the free use of property, so as to interfere with  
35 the comfortable enjoyment of life or property.

36 (2) Affects at the same time an entire community or  
37 neighborhood, or any considerable number of persons, although  
38 the extent of the annoyance or damage inflicted upon individuals  
39 may be unequal.

1 (3) Occurs during, or as a result of, the treatment or disposal of  
2 wastes.

3 (n) “Recycled water” means water which, as a result of treatment  
4 of waste, is suitable for a direct beneficial use or a controlled use  
5 that would not otherwise occur and is therefor considered a  
6 valuable resource.

7 (o) “Citizen or domiciliary” of the state includes a foreign  
8 corporation having substantial business contacts in the state or  
9 which is subject to service of process in this state.

10 (p) (1) “Hazardous substance” means either of the following:

11 (A) For discharge to surface waters, any substance determined  
12 to be a hazardous substance pursuant to Section 311(b)(2) of the  
13 Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

14 (B) For discharge to groundwater, any substance listed as a  
15 hazardous waste or hazardous material pursuant to Section 25140  
16 of the Health and Safety Code, without regard to whether the  
17 substance is intended to be used, reused, or discarded, except that  
18 “hazardous substance” does not include any substance excluded  
19 from Section 311(b)(2) of the Federal Water Pollution Control Act  
20 because it is within the scope of Section 311(a)(1) of that act.

21 (2) “Hazardous substance” does not include any of the  
22 following:

23 (A) Nontoxic, nonflammable, and noncorrosive stormwater  
24 runoff drained from underground vaults, chambers, or manholes  
25 into gutters or storm sewers.

26 (B) Any pesticide which is applied for agricultural purposes or  
27 is applied in accordance with a cooperative agreement authorized  
28 by Section 116180 of the Health and Safety Code, and is not  
29 discharged accidentally or for purposes of disposal, the application  
30 of which is in compliance with all applicable state and federal laws  
31 and regulations.

32 (C) Any discharge to surface water of a quantity less than a  
33 reportable quantity as determined by regulations issued pursuant  
34 to Section 311(b)(4) of the Federal Water Pollution Control Act.

35 (D) Any discharge to land which results, or probably will result,  
36 in a discharge to groundwater if the amount of the discharge to  
37 land is less than a reportable quantity, as determined by regulations  
38 adopted pursuant to Section 13271, for substances listed as  
39 hazardous pursuant to Section 25140 of the Health and Safety  
40 Code. No discharge shall be deemed a discharge of a reportable

1 quantity until regulations set a reportable quantity for the substance  
2 discharged.

3 (q) (1) “Mining waste” means all solid, semisolid, and liquid  
4 waste materials from the extraction, beneficiation, and processing  
5 of ores and minerals. Mining waste includes, but is not limited to,  
6 soil, waste rock, and overburden, as defined in Section 2732 of  
7 the Public Resources Code, and tailings, slag, and other processed  
8 waste materials, including cementitious materials that are managed  
9 at the cement manufacturing facility where the materials were  
10 generated.

11 (2) For the purposes of this subdivision, “cementitious material”  
12 means cement, cement kiln dust, clinker, and clinker dust.

13 (r) “Master recycling permit” means a permit issued to a supplier  
14 or a distributor, or both, of recycled water, that includes waste  
15 discharge requirements prescribed pursuant to Section 13263 and  
16 water recycling requirements prescribed pursuant to Section  
17 13523.1.

18 (s) (1) “Agricultural operation” means either of the following:

19 (A) A discharger that satisfies both of the following conditions:

20 (i) The discharger is an owner, operator, or both, of land that is  
21 irrigated to produce crops or pasture for commercial purposes or  
22 a nursery.

23 (ii) The discharger is enrolled or named in an irrigated lands  
24 regulatory program order adopted by the state board or a regional  
25 board pursuant to Section 13263 or 13269.

26 (B) A discharger that satisfies both of the following conditions:

27 (i) The discharger is an owner, operator, or both of a facility  
28 that is used for the raising or harvesting of livestock.

29 (ii) The discharger is enrolled or named in an order adopted by  
30 the state board or a regional board pursuant to Section 13263 or  
31 13269 that regulates the discharges of waste from a facility  
32 identified in clause (i) to protect ground and surface water.

33 (2) “Agricultural operation” does not include any of the  
34 following:

35 (A) An off-farm facility that processes crops or livestock.

36 (B) An off-farm facility that manufactures, synthesizes, stores,  
37 or processes fertilizer.

38 (C) Any portions of land or activities occurring on those portions  
39 of land that are not covered by an order adopted by the state board

1 or a regional board identified in clause (ii) of subparagraph (A) or  
2 clause (ii) of subparagraph (B) of paragraph (1).

3 ~~SEC. 4.~~

4 *SEC. 5.* Article 4.5 (commencing with Section 13278) is added  
5 to Chapter 4 of Division 7 of the Water Code, to read:

6  
7 Article 4.5. Discharges of Nitrate to Groundwater from  
8 Agricultural Operations  
9

10 13278. (a) For the purposes of this article, the Legislature finds  
11 all of the following:

12 (1) Implementation of currently known best management  
13 practices for some crops can reduce but not always completely  
14 prevent nitrogen in organic and synthetic fertilizers that transform  
15 to nitrates from reaching groundwater at concentrations above the  
16 water quality objectives established pursuant to this division.

17 (2) It is acknowledged that discharges of nitrate from agricultural  
18 operations could reach groundwater and could cause or contribute  
19 to exceedances of drinking water standards for ~~nitrate~~, and *nitrate*,  
20 and could cause conditions of pollution of or nuisance in those  
21 waters as defined and applied in accordance with this division, or  
22 both.

23 (3) Nitrate contamination of groundwater impacts drinking water  
24 sources for hundreds of thousands of Californians and it is  
25 necessary to protect current and future drinking water users from  
26 the impacts of nitrate contamination.

27 (4) Despite progress in controlling discharges of nitrogen that  
28 lead to nitrate formation, some groundwater sources of drinking  
29 water will continue to be adversely impacted by nitrates and it is  
30 important to have in place a program for mitigating these impacts.

31 (5) The regional boards will continue to regulate discharges to  
32 reduce nitrogen loading and protect beneficial uses of water and  
33 groundwater basins; the state board, regional boards, and courts  
34 will ensure compliance with those orders; and dischargers will pay  
35 for mitigation of pollution by funding replacement water for  
36 affected communities.

37 (b) The Legislature declares its intent in establishing this article  
38 ~~to do both of the following:~~

39 ~~(1) To subsequently amend this article to establish an~~  
40 ~~agricultural assessment to be paid by agricultural operations for a~~



period of 15 years to provide funding, as a portion of the Safe and Affordable Drinking Water Fund, to make available alternative supplies of safe drinking water to persons affected by discharges of nitrogen from agricultural operations that may occur in amounts that may cause or contribute to an exceedance of a water quality objective or cause conditions of pollution or nuisance.

(2) ~~To limit~~ *to limit* enforcement actions that a regional board or the state board could otherwise initiate during that 15-year period against an agricultural operation paying the agricultural assessment, while maintaining the overall framework of this division to protect beneficial uses, implement water quality objectives in waters of the state, and regulate activities and factors that affect water quality to attain the highest water quality that is reasonable.

13278.1. (a) An agricultural operation shall not be subject to enforcement undertaken or initiated by the state board or a regional board under Chapter 5 (commencing with Section 13330) for causing or contributing to an exceedance of a water quality objective for nitrate in groundwater or for causing or contributing to a condition of pollution or nuisance for nitrates in groundwater if an agricultural operation that discharges or threatens to discharge, or has discharged or previously threatened to discharge, nitrate to groundwater demonstrates that it has satisfied all of the following mitigation requirements:

(1) The agricultural operation has timely paid any applicable fee, ~~assessment, or charge~~ *fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code or dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code* into the Safe and Affordable Drinking Water Fund ~~or an applicable agricultural assessment is providing funding into the Safe and Affordable Drinking Water Fund~~ *established by Section 116767 of the Health and Safety Code*. For the purposes of this paragraph, “timely paid” means that an agricultural operation has paid all applicable fees, assessments, or charges, no later than 90 days after their respective due dates, since the application of the fee, assessment, or charge to the agricultural operation.

(2) Except as provided in subdivision (b), the agricultural operation is in compliance with all applicable provisions prescribed

1 by a regional board or the state board in an order adopted pursuant  
2 to Section 13263 or 13269, including, but not limited to, the  
3 following:

4 (A) Requirements to implement best practicable treatment or  
5 control.

6 (B) Best efforts, monitoring, and reporting requirements.

7 (C) Timelines.

8 (3) The agricultural operation is in compliance with an  
9 applicable program of implementation for achieving groundwater  
10 quality objectives for nitrate that is part of an applicable water  
11 quality control plan adopted by the state board or a regional board  
12 pursuant to Article 3 (commencing with Section 13240).

13 (b) (1) The mitigation requirement contained in paragraph (2)  
14 of subdivision (a) does not include any generalized prohibition  
15 contained in an order adopted under Section 13263 or 13269 on  
16 causing or contributing, or threatening to cause or contribute, to  
17 an exceedance of a water quality objective for nitrate in  
18 groundwater or a condition of pollution or nuisance for nitrate in  
19 groundwater.

20 (2) (A) An agricultural operation is not in compliance with the  
21 mitigation requirement in paragraph (2) of subdivision (a) if the  
22 agricultural operation has been subject to an enforcement action  
23 under Chapter 5 (commencing with Section 13330) within the  
24 preceding 12 months for any violation of an order adopted under  
25 Section 13263 or 13269 authorizing discharges from agricultural  
26 operations.

27 (B) Subparagraph (A) does not apply to an enforcement action  
28 commenced after January 1, 2016, and before January 1, 2018,  
29 inclusive, alleging that a discharge from an agricultural operation  
30 caused or contributed, or threatened to cause or contribute, to an  
31 exceedance of a water quality objective for nitrate in groundwater,  
32 conditions of pollution or nuisance for nitrate in groundwater, or  
33 both.

34 (3) An agricultural operation does not qualify for the  
35 enforcement exemption set forth in this subdivision if the operation  
36 fails to continue to make applicable payments into the Safe and  
37 Affordable Drinking Water Fund to the extent that the agricultural  
38 operation maintains a continuance of farming operation.

1 (c) Both of the following apply to a discharge of nitrogen by an  
2 agricultural operation that occurs when the discharger is in full  
3 compliance with the mitigation requirements:

4 (1) The discharge shall not be admissible in a future enforcement  
5 action against the agricultural operation by the state board or a  
6 regional board pursuant to Chapter 5 (commencing with Section  
7 13300) to support a claim that the agricultural operation is causing  
8 or contributing, or threatening to cause or contribute, to an  
9 exceedance of a water quality objective for nitrate in groundwater  
10 or a condition of pollution or nuisance for nitrate in groundwater.

11 (2) The discharge shall not be considered by the state board or  
12 a regional board to apportion responsibility and shall not be used  
13 by any person to diminish responsibility in any enforcement action  
14 initiated pursuant to Chapter 5 (commencing with Section 13300)  
15 with respect to discharges of nitrogen, regardless of source, that  
16 did not occur in compliance with the mitigation requirements.

17 (d) Nothing in this section alters the state board's or a regional  
18 board's authority to require or conduct investigations, to require  
19 reports on or to establish other requirements for best practicable  
20 treatment or control, or to require monitoring and reporting  
21 requirements to protect water quality.

22 (e) This section shall not be deemed to change or alter a water  
23 quality objective that is part of a water quality control plan adopted  
24 by the state board or a regional board pursuant to Article 3  
25 (commencing with Section 13240).

26 (f) This section shall remain in effect only until January 1, 2028,  
27 and as of that date is repealed.

28 13278.2. (a) An agricultural operation shall not be subject to  
29 enforcement undertaken or initiated by the state board or a regional  
30 board under Section 13304 for creating or threatening to create a  
31 condition of pollution or nuisance for nitrates in groundwater if  
32 an agricultural operation that discharges or threatens to discharge,  
33 or has discharged or previously threatened to discharge, nitrate to  
34 groundwater demonstrates that it has satisfied all of the following  
35 mitigation requirements:

36 (1) The agricultural operation has timely paid any applicable  
37 ~~fee, assessment, or charge~~ *fertilizer safe drinking water fee*  
38 *established by Article 6.5 (commencing with Section 14615) of*  
39 *Chapter 5 of Division 7 of the Food and Agricultural Code or*  
40 *dairy safe drinking water fee established by Article 14.5*

1 (*commencing with Section 62215*) of Chapter 2 of Part 3 of  
2 Division 21 of the Food and Agricultural Code into the Safe and  
3 Affordable Drinking Water Fund ~~or an applicable agricultural~~  
4 ~~assessment is providing funding into the Safe and Affordable~~  
5 ~~Drinking Water Fund.~~ *established by Section 116767 of the Health*  
6 *and Safety Code.* For the purposes of this paragraph, “timely paid”  
7 means that an agricultural operation has paid all applicable fees,  
8 assessments, or charges, no later than 90 days after their respective  
9 due dates, since the application of the fee, assessment, or charge  
10 to the agricultural operation.

11 (2) Except as provided in subdivision (b), the agricultural  
12 operation is in compliance with all applicable provisions prescribed  
13 by a regional board or the state board in an order adopted pursuant  
14 to Section 13263 or 13269, including, but not limited to, the  
15 following:

16 (A) Requirements to implement best practicable treatment or  
17 control.

18 (B) Best efforts, monitoring, and reporting requirements.

19 (C) Timelines.

20 (3) The agricultural operation is in compliance with an  
21 applicable program of implementation for achieving groundwater  
22 quality objectives for nitrate that is part of an applicable water  
23 quality control plan adopted by the state board or a regional board  
24 pursuant to Article 3 (*commencing with Section 13240*).

25 (b) (1) The mitigation requirement contained in paragraph (2)  
26 of subdivision (a) does not include any generalized prohibition  
27 contained in an order adopted under Section 13263 or 13269 on  
28 causing or contributing, or threatening to cause or contribute, to  
29 an exceedance of a water quality objective for nitrate in  
30 groundwater or a condition of pollution or nuisance for nitrate in  
31 groundwater.

32 (2) An agricultural operation is not in compliance with the  
33 mitigation requirement in paragraph (2) of subdivision (a) if the  
34 agricultural operation has been subject to an enforcement action  
35 under Chapter 5 (*commencing with Section 13330*) within the  
36 preceding 12 months for any violation of an order adopted under  
37 Section 13263 or 13269 authorizing discharges from agricultural  
38 operations.

39 (3) An agricultural operation does not qualify for the  
40 enforcement exemption set forth in this subdivision if the operation

1 fails to continue to make applicable payments into the Safe and  
2 Affordable Drinking Water Fund to the extent that the agricultural  
3 operation maintains a continuance of farming operation.

4 (c) Both of the following apply to a discharge of nitrogen by an  
5 agricultural operation that occurs when the discharger is in full  
6 compliance with the mitigation requirements:

7 (1) The discharge shall not be admissible in a future enforcement  
8 action against the agricultural operation by the state board or a  
9 regional board pursuant to Chapter 5 (commencing with Section  
10 13300) to support a claim that the agricultural operation is causing  
11 or contributing, or threatening to cause or contribute, to an  
12 exceedance of a water quality objective for nitrate in groundwater  
13 or a condition of pollution or nuisance for nitrate in groundwater.

14 (2) The discharge shall not be considered by the state board or  
15 a regional board to apportion responsibility and shall not be used  
16 by any person to diminish responsibility in any enforcement action  
17 initiated pursuant to Chapter 5 (commencing with Section 13300)  
18 with respect to discharges of nitrogen, regardless of source, that  
19 did not occur in compliance with the mitigation requirements.

20 (d) Nothing in this section alters the state board's or a regional  
21 board's authority to require or conduct investigations, to require  
22 reports on or to establish other requirements for best practicable  
23 treatment or control, or to require monitoring and reporting  
24 requirements to protect water quality.

25 (e) This section shall not be deemed to change or alter a water  
26 quality objective that is part of a water quality control plan adopted  
27 by the state board or a regional board pursuant to Article 3  
28 (commencing with Section 13240).

29 (f) (1) This section shall become operative on January 1, 2028.

30 (2) This section shall remain in effect only until January 1, 2033,  
31 and as of that date is repealed, unless a later enacted statute that  
32 is enacted before January 1, 2033, deletes or extends that date.

33 13278.3. By January 1, 2027, the state board shall conduct a  
34 public review of regulatory and basin plan amendment  
35 implementation programs to evaluate progress toward achieving  
36 water quality objectives with respect to nitrates in groundwater  
37 and assess compliance with adopted timelines, monitoring  
38 requirements, and implementation of best practicable treatment or  
39 control.

1 13278.4. Nothing in this article limits the liability of a  
2 discharger under any other law, including, but not limited to, Part  
3 3 (commencing with Section 3479) of Division 4 of the Civil Code.

4 *SEC. 6. No reimbursement is required by this act pursuant to*  
5 *Section 6 of Article XIII B of the California Constitution for certain*  
6 *costs that may be incurred by a local agency or school district*  
7 *because, in that regard, this act creates a new crime or infraction,*  
8 *eliminates a crime or infraction, or changes the penalty for a crime*  
9 *or infraction, within the meaning of Section 17556 of the*  
10 *Government Code, or changes the definition of a crime within the*  
11 *meaning of Section 6 of Article XIII B of the California*  
12 *Constitution.*

13 *However, if the Commission on State Mandates determines that*  
14 *this act contains other costs mandated by the state, reimbursement*  
15 *to local agencies and school districts for those costs shall be made*  
16 *pursuant to Part 7 (commencing with Section 17500) of Division*  
17 *4 of Title 2 of the Government Code.*

AMENDED IN SENATE AUGUST 29, 2017

AMENDED IN SENATE AUGUST 21, 2017

AMENDED IN SENATE JULY 12, 2017

AMENDED IN SENATE JULY 3, 2017

AMENDED IN ASSEMBLY APRIL 18, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

## ASSEMBLY BILL

**No. 1668**

**Introduced by Assembly Member Friedman**  
(Coauthors: Senators Allen and Wiener)

February 17, 2017

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An act to amend Sections 350, 377, 531.10, 1058.5, 1120, 10608.12, 10608.20, 10608.48, 10610.2, 10610.4, 10620, 10621, 10630, 10631, 10631.2, 10635, 10640, 10641, 10642, 10644, 10645, 10650, 10651, 10653, 10654, 10656, 10801, 10802, 10814, 10817, 10820, 10825, 10826, 10843, 10845, and 10910 of, to amend, renumber, and add Section 10612 of, to add Sections 1846.5, 10608.35, 10617.5, 10618, 10630.5, 10632.1, 10632.2, 10632.3, ~~10632.4~~, 10657, and 10826.2 to, to add Chapter 9 (commencing with Section 10609) and Chapter 10 (commencing with Section 10609.40) to Part 2.55 of Division 6 of, to repeal Section 10631.7 of, and to repeal and add Section 10632 of, the Water Code, relating to water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1668, as amended, Friedman. Water management planning.

(1) Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. Existing

law requires each urban retail water supplier to develop urban water use targets and an interim urban water use target, as specified.

This bill would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water, as provided, and performance measures for commercial, industrial, and institutional water use on or before June 30, 2021. The bill would require the department, in coordination with the board, to conduct necessary studies and investigations and make recommendations, no later than October 1, 2020, for purposes of these standards and performance measures. ~~The bill, until January 1, 2025, would establish an unspecified number of gallons~~ *55 gallons per capita daily as the initial standard for daily per capita indoor residential water use, and use and, beginning January 1, 2025, would establish 50 gallons per capita daily as the standard for indoor residential water use.* The bill would authorize the department, in coordination with the board, to conduct necessary studies and investigations to *jointly* recommend to the Legislature a standard for indoor residential water use that more appropriately reflects best practices.

The bill would require an urban retail water supplier to calculate an urban water use objective no later than July 1, 2022, and by July 1 every year thereafter, and its actual urban water use by those same dates. The bill would require an urban retail water supplier to submit a report to the department for these purposes by those dates. The bill would authorize the board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, as specified.

The bill would impose civil liability for a violation of an order or regulation issued pursuant to these provisions, as specified. The bill would also authorize the board to issue a regulation or informational order requiring a *wholesale water supplier; urban retail water supplier; or* distributor of a public water supply to provide a monthly report relating to water production, water use, or water conservation.

The bill would require the ~~department~~ *department, in consultation with the board*, to propose to the Governor and the Legislature, by January 1, 2019, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided. *The bill would require the department, in consultation with the board and other relevant state*



*and local agencies and stakeholders, to use available data to identify small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability, no later than January 1, 2019, and would require the department to notify counties and groundwater sustainability agencies of those suppliers or communities.*

(2) Existing law establishes procedures for reconsideration and amendment of specified decisions and orders of the board. Existing law authorizes any party aggrieved by a specified decision or order of the board to file, not later than 30 days from the date of final board action, a petition for writ of mandate for judicial review of the decision or order.

This bill would apply these procedures to decisions and orders of the board issued pursuant to the provisions described in paragraph (1), including existing provisions and those added by this bill.

(3) Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management ~~plan and plan~~. *The act requires an urban water supplier to update its plan once every 5 years on or before December 31 in years ending in 5 and zero, except as specified. Existing law defines “urban water supplier” to mean a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.*

~~Existing law~~ *the act requires the submission of a 2020 plan update by July 1, 2021. The act requires an urban water management plan, among other things, to describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for an average, single-dry, and multiple-dry water years. Existing law* *The act requires that an urban water management plan provide an urban water shortage contingency analysis that includes, among other things, an estimate of the minimum water supply available during each of the following next 3 water years based on the driest 3-year historic sequence for the agency’s water supply.*

This bill would revise and recast these provisions. The bill would require an urban water management plan to be updated on or before July 1, in years ending in 6 and one, incorporating updated and new information from the 5 years preceding the plan update. The bill would require each plan to include a simple lay description of specified information to provide a general understanding of the agency’s plan.

The bill would require an urban water management plan to contain a drought risk assessment, as defined, that examines water shortage risks for a drought lasting the next 5 or more consecutive years.

The bill would require an urban water supplier to prepare, adopt, and periodically review a water shortage contingency plan, as prescribed, and as part of its urban water management plan. The bill would require a water shortage contingency plan to consist of certain elements, including, among other things, annual water supply and demand assessment procedures, standard water shortage levels, shortage response actions, and communication protocols and procedures. The bill would require an urban water supplier to make the water shortage contingency plan available to its customers and any city or county within which it provides water supplies no later than 30 days after adoption.

The bill would require an urban water supplier to conduct an annual water supply and demand assessment and submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan by June 1 of each year. The bill would require an urban water supplier to follow, where feasible and appropriate, the procedures and implement determined shortage response actions in its water shortage contingency plan. ~~The bill would also authorize the department to update a certain guidebook, as specified.~~

(4) ~~Existing law~~ *The act* requires an urban water supplier to submit copies of its urban water management plan and copies of amendments or changes to the plan to certain entities, including the department, *no later than 30 days after adoption*, as prescribed. ~~Existing law~~ *The act* requires the department to prepare and submit to the Legislature, ~~on or before December 31, in the years ending in 6 and one~~, a report summarizing the status of plans adopted pursuant to the act *to the Legislature on or before July 1, 2022, for the 2020 plan, and on or before December 31 in the years ending in 6 and one thereafter*, and to provide a copy of the report to each urban water supplier that has submitted its plan to the department.

This bill would require an urban water supplier, if it revises its water shortage contingency plan, to submit to the department a copy of its water shortage contingency plan no later than 30 days after adoption. The bill would require an urban water supplier regulated by the Public Utilities Commission to include its most recent urban water management

plan and water shortage contingency plan as part of its general rate case filings.

The bill would require the department to prepare and submit the report about plans adopted pursuant to the act to the Legislature on or before July 1 in the years ending in 7 and 2. The bill would require the department to prepare and submit to the board, on or before June 1 of each year, a report summarizing the submitted water supply and demand assessment results along with appropriate reported water shortage conditions developed by the department and information regarding various shortage response actions implemented as a result of water supply and demand assessments, as prescribed.

(5) Existing law makes an urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department as prescribed ineligible to receive certain water grant and loan funding.

This bill would instead make an urban water supplier ineligible to receive any water grant or loan unless the urban water supplier complies with the requirements relating to urban water management plans.

(6) Existing law authorizes the governing body of a distributor of a public water supply to declare a water shortage emergency condition to prevail within the area served by the distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

This bill would instead require the governing body of a distributor of a public water supply to declare a water shortage emergency condition whenever it finds and determines the above-described circumstances. The bill would require an urban water supplier to coordinate with any city or county within which it provides water supply services for a possible proclamation of a local emergency.

(7) Existing law requires an agricultural water supplier to submit an annual report to the department that summarizes aggregated farm-gate delivery data using best professional practices.

This bill would require the annual report for the prior year to be submitted to the department by April 1 of each year, as provided, and to be organized by groundwater basin or subbasin within the service area of the agricultural water supplier, if applicable.

(8) Existing law requires an agricultural water supplier to prepare and adopt an agricultural water management plan with specified components on or before December 31, 2012, and to update those plans

on or before December 31, 2015, and on or before December 31 every 5 years thereafter. Existing law requires the agricultural water supplier to submit copies of its plan to specified entities no later than 30 days after the adoption of the plan, and requires the department to prepare and submit to the Legislature, on or before December 31 in the years ending in 6 and one, a report summarizing the status of the plans.

This bill would revise the components of the plan and additionally require a plan to include an annual water budget based on the quantification of all inflow and outflow components for the service area of the agricultural water supplier and a drought plan describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions.

The bill would require an agricultural water supplier to update its agricultural water management plan on or before April 1, 2021, and thereafter on or before April 1 in the years ending in 6 and one. The bill would require an agricultural water supplier to submit its plan to the department no later than 30 days after the adoption of the plan. The bill would require the department to review an agricultural water management plan and notify an agricultural water supplier if the department determines that it is noncompliant, as provided. The bill would authorize the department, if it has not received a plan or determined that the plan submitted is noncompliant, to contract with certain entities to prepare or complete a plan on behalf of the agricultural water supplier.

The bill would require an agricultural water supplier to submit copies of its plan to specified entities no later than 30 days after the department's review of the plan. The bill would require the department to submit its report summarizing the status of the plans to the Legislature on or before April 30 in the years ending in 7 and 2.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 350 of the Water Code is amended to
- 2 read:
- 3 350. The governing body of a distributor of a public water
- 4 supply, whether publicly or privately owned and including a mutual
- 5 water company, shall declare a water shortage emergency condition
- 6 to prevail within the area served by such distributor whenever it

1 finds and determines that the ordinary demands and requirements  
2 of water consumers cannot be satisfied without depleting the water  
3 supply of the distributor to the extent that there would be  
4 insufficient water for human consumption, sanitation, and fire  
5 protection.

6 SEC. 2. Section 377 of the Water Code is amended to read:

7 377. (a) From and after the publication or posting of any  
8 ordinance or resolution pursuant to Section 376, a violation of a  
9 requirement of a water conservation program adopted pursuant to  
10 Section 376 is a misdemeanor. A person convicted under this  
11 subdivision shall be punished by imprisonment in the county jail  
12 for not more than 30 days, or by a fine not exceeding one thousand  
13 dollars (\$1,000), or by both.

14 (b) A court or public entity may hold a person civilly liable in  
15 an amount not to exceed ten thousand dollars (\$10,000) for a  
16 violation of any of the following:

17 (1) An ordinance or resolution adopted pursuant to Section 376.

18 (2) A regulation adopted by the board under Section 1058.5 or  
19 Chapter 9 (commencing with Section 10609) of Part 2.55 of  
20 Division 6, unless the board regulation provides that it cannot be  
21 enforced under this section or provides for a lesser applicable  
22 maximum penalty.

23 (c) Commencing on the 31st day after the public entity notified  
24 a person of a violation described in subdivision (b), the person  
25 additionally may be civilly liable in an amount not to exceed ten  
26 thousand dollars (\$10,000) plus five hundred dollars (\$500) for  
27 each additional day on which the violation continues.

28 (d) Remedies prescribed in this section are cumulative and not  
29 alternative, except that no liability shall be recoverable under this  
30 section for any violation of paragraph (2) of subdivision (b) if the  
31 board has filed a complaint pursuant to Section 1846 alleging the  
32 same violation.

33 (e) A public entity may administratively impose the civil liability  
34 described in subdivisions (b) and (c) after providing notice and an  
35 opportunity for a hearing. The public entity shall initiate a  
36 proceeding under this subdivision by a complaint issued pursuant  
37 to Section 377.5. The public entity shall issue the complaint at  
38 least 30 days before the hearing on the complaint and the complaint  
39 shall state the basis for the proposed civil liability order.

(f) (1) In determining the amount of civil liability to assess, a court or public entity shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of the harm caused by the violation, the length of time over which the violation occurs, and any corrective action taken by the violator.

(2) The civil liability calculated pursuant to paragraph (1) for the first violation of subdivision (b) by a residential water user shall not exceed one thousand dollars (\$1,000) except in extraordinary situations where the court or public entity finds all of the following:

(A) The residential user had actual notice of the requirement found to be violated.

(B) The conduct was intentional.

(C) The amount of water involved was substantial.

(g) Civil liability imposed pursuant to this section shall be paid to the public entity and expended solely for the purposes of this chapter.

(h) An order setting administrative civil liability shall become effective and final upon issuance of the order and payment shall be made. Judicial review of any final order shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

(i) In addition to the remedies prescribed in this section, a public entity may enforce water use limitations established by an ordinance or resolution adopted pursuant to this chapter, or as otherwise authorized by law, by a volumetric penalty in an amount established by the public entity.

SEC. 3. Section 531.10 of the Water Code is amended to read:

531.10. (a) (1) An agricultural water supplier shall submit an annual report to the department that summarizes aggregated farm-gate delivery data, on a monthly or bimonthly basis, using best professional practices. The annual report for the prior year shall be submitted to the department by April 1 of each year. The annual report shall be organized by basin, as defined in Section 10721, within the service area of the agricultural water supplier, if applicable.

(2) The report, and any amendments to the report, submitted to the department pursuant to this subdivision shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.

1 (3) The department shall post all reports on its Internet Web  
2 site in a manner that allows for comparisons across water suppliers.  
3 The department shall make the reports available for public viewing  
4 in a timely manner after it receives them.

5 (b) Nothing in this article shall be construed to require the  
6 implementation of water measurement programs or practices that  
7 are not locally cost effective.

8 (c) It is the intent of the Legislature that the requirements of  
9 this section shall complement and not affect the scope of authority  
10 granted to the department or the board by provisions of law other  
11 than this article.

12 SEC. 4. Section 1058.5 of the Water Code is amended to read:

13 1058.5. (a) This section applies to any emergency regulation  
14 adopted by the board for which the board makes both of the  
15 following findings:

16 (1) The emergency regulation is adopted to prevent the waste,  
17 unreasonable use, unreasonable method of use, or unreasonable  
18 method of diversion, of water, to promote water recycling or water  
19 conservation, to require curtailment of diversions when water is  
20 not available under the diverter's priority of right, or in furtherance  
21 of any of the foregoing, to require reporting of diversion or use or  
22 the preparation of monitoring reports.

23 (2) The emergency regulation is adopted in response to  
24 conditions which exist, or are threatened, in a critically dry year  
25 immediately preceded by two or more consecutive below normal,  
26 dry, or critically dry years or during a period for which the  
27 Governor has issued a proclamation of a state of emergency under  
28 the California Emergency Services Act (Chapter 7 (commencing  
29 with Section 8550) of Division 1 of Title 2 of the Government  
30 Code) based on drought conditions.

31 (b) Notwithstanding Sections 11346.1 and 11349.6 of the  
32 Government Code, any findings of emergency adopted by the  
33 board, in connection with the adoption of an emergency regulation  
34 under this section, are not subject to review by the Office of  
35 Administrative Law.

36 (c) An emergency regulation adopted by the board under this  
37 section may remain in effect for up to one year, as determined by  
38 the board, and is deemed repealed immediately upon a finding by  
39 the board that due to changed conditions it is no longer necessary  
40 for the regulation to remain in effect. An emergency regulation

1 adopted by the board under this section may be renewed if the  
2 board determines that the conditions specified in paragraph (2) of  
3 subdivision (a) are still in effect.

4 (d) In addition to any other applicable civil or criminal penalties,  
5 any person or entity who violates a regulation adopted by the board  
6 pursuant to this section is guilty of an infraction punishable by a  
7 fine of up to five hundred dollars (\$500) for each day in which the  
8 violation occurs.

9 (e) (1) Notwithstanding subdivision (b) of Section 1551 or  
10 subdivision (e) of Section 1848, a civil liability imposed under  
11 Chapter 12 (commencing with Section 1825) of Part 2 of Division  
12 2 by the board or a court for a violation of an emergency  
13 conservation regulation adopted pursuant to this section shall be  
14 deposited, and separately accounted for, in the Water Rights Fund.  
15 Funds deposited in accordance with this subdivision shall be  
16 available, upon appropriation, for water conservation activities  
17 and programs.

18 (2) For purposes of this subdivision, an “emergency conservation  
19 regulation” means an emergency regulation that requires an end  
20 user of water, a water retailer, or a water wholesaler to conserve  
21 water or report to the board on water conservation. Water  
22 conservation includes restrictions or limitations on particular uses  
23 of water or a reduction in the amount of water used or served, but  
24 does not include curtailment of diversions when water is not  
25 available under the diverter’s priority of right or reporting  
26 requirements related to curtailments.

27 SEC. 5. Section 1120 of the Water Code is amended to read:

28 1120. This chapter applies to any decision or order issued under  
29 this part or Section 275, Part 2 (commencing with Section 1200),  
30 Part 2 (commencing with Section 10500) of Division 6, Part 2.55  
31 (commencing with Section 10608) of Division 6, or Chapter 11  
32 (commencing with Section 10735) of Part 2.74 of Division 6,  
33 Article 7 (commencing with Section 13550) of Chapter 7 of  
34 Division 7, or the public trust doctrine.

35 SEC. 6. Section 1846.5 is added to the Water Code, to read:

36 1846.5. (a) A person or entity who commits any of the  
37 violations identified in subdivision (b) may be liable in an amount  
38 not to exceed the following, as applicable:

39 (1) If the violation occurs in a critically dry year immediately  
40 preceded by two or more consecutive below normal, dry, or



1 critically dry years or during a period for which the Governor has  
2 issued a proclamation of a state of emergency under the California  
3 Emergency Services Act (Chapter 7 (commencing with Section  
4 8550) of Division 1 of Title 2 of the Government Code) based on  
5 drought conditions, ten thousand dollars (\$10,000) for each day  
6 in which the violation occurs.

7 (2) For all violations other than those described in paragraph  
8 (1), one thousand dollars (\$1,000) for each day in which the  
9 violation occurs.

10 (b) Liability pursuant to this section may be imposed for any  
11 of the following violations:

12 (1) Violation of an order issued under Chapter 9 (commencing  
13 with Section 10609) of Part 2.55 of Division 6.

14 (2) Violation of a regulation issued under Chapter 9  
15 (commencing with Section 10609) of Part 2.55 of Division 6, if  
16 the violation occurs after July 1, 2026.

17 (c) Civil liability may be imposed by the superior court. The  
18 Attorney General, upon the request of the board, shall petition the  
19 superior court to impose, assess, and recover those sums.

20 (d) Civil liability may be imposed administratively by the board  
21 pursuant to Section 1055.

22 SEC. 7. Section 10608.12 of the Water Code is amended to  
23 read:

24 10608.12. Unless the context otherwise requires, the following  
25 definitions govern the construction of this part:

26 (a) “Agricultural water supplier” means a water supplier, either  
27 publicly or privately owned, providing water to 10,000 or more  
28 irrigated acres, excluding recycled water. “Agricultural water  
29 supplier” includes a supplier or contractor for water, regardless of  
30 the basis of right, that distributes or sells water for ultimate resale  
31 to customers. “Agricultural water supplier” does not include the  
32 department.

33 (b) “Base daily per capita water use” means any of the  
34 following:

35 (1) The urban retail water supplier’s estimate of its average  
36 gross water use, reported in gallons per capita per day and  
37 calculated over a continuous 10-year period ending no earlier than  
38 December 31, 2004, and no later than December 31, 2010.

39 (2) For an urban retail water supplier that meets at least 10  
40 percent of its 2008 measured retail water demand through recycled

1 water that is delivered within the service area of an urban retail  
2 water supplier or its urban wholesale water supplier, the urban  
3 retail water supplier may extend the calculation described in  
4 paragraph (1) up to an additional five years to a maximum of a  
5 continuous 15-year period ending no earlier than December 31,  
6 2004, and no later than December 31, 2010.

7 (3) For the purposes of Section 10608.22, the urban retail water  
8 supplier's estimate of its average gross water use, reported in  
9 gallons per capita per day and calculated over a continuous  
10 five-year period ending no earlier than December 31, 2007, and  
11 no later than December 31, 2010.

12 (c) "Baseline commercial, industrial, and institutional water  
13 use" means an urban retail water supplier's base daily per capita  
14 water use for commercial, industrial, and institutional users.

15 (d) "CII water use" means water used by commercial water  
16 users, industrial water users, institutional water users, and large  
17 landscape water users.

18 (e) "Commercial water user" means a water user that provides  
19 or distributes a product or service.

20 (f) "Compliance daily per capita water use" means the gross  
21 water use during the final year of the reporting period, reported in  
22 gallons per capita per day.

23 (g) "Disadvantaged community" means a community with an  
24 annual median household income that is less than 80 percent of  
25 the statewide annual median household income.

26 (h) "Gross water use" means the total volume of water, whether  
27 treated or untreated, entering the distribution system of an urban  
28 retail water supplier, excluding all of the following:

29 (1) Recycled water that is delivered within the service area of  
30 an urban retail water supplier or its urban wholesale water supplier.

31 (2) The net volume of water that the urban retail water supplier  
32 places into long-term storage.

33 (3) The volume of water the urban retail water supplier conveys  
34 for use by another urban water supplier.

35 (4) The volume of water delivered for agricultural use, except  
36 as otherwise provided in subdivision (f) of Section 10608.24.

37 (i) "Industrial water user" means a water user that is primarily  
38 a manufacturer or processor of materials as defined by the North  
39 American Industry Classification System code sectors 31 to 33,

1 inclusive, or an entity that is a water user primarily engaged in  
2 research and development.

3 (j) “Institutional water user” means a water user dedicated to  
4 public service. This type of user includes, among other users,  
5 higher education institutions, schools, courts, churches, hospitals,  
6 government facilities, and nonprofit research institutions.

7 (k) “Interim urban water use target” means the midpoint between  
8 the urban retail water supplier’s base daily per capita water use  
9 and the urban retail water supplier’s urban water use target for  
10 2020.

11 (l) “Large landscape” means a nonresidential landscape as  
12 described in the performance measures for CII water use adopted  
13 pursuant to Section 10609.10.

14 (m) “Locally cost effective” means that the present value of the  
15 local benefits of implementing an agricultural efficiency water  
16 management practice is greater than or equal to the present value  
17 of the local cost of implementing that measure.

18 (n) *“Performance measures” means actions to be taken by*  
19 *urban retail water suppliers that will result in increased water use*  
20 *efficiency by CII water users. Performance measures include*  
21 *educating CII water users on best management practices,*  
22 *conducting water use audits, and preparing water management*  
23 *plans. Performance measures do not include process water.*

24 ~~(n)~~  
25 (o) “Process water” means water used by industrial water users  
26 for producing a product or product content or water used for  
27 research and development, ~~including, but development.~~ *Process*  
28 *water includes, but is not limited to, continuous manufacturing*  
29 *processes, and water used for testing testing, cleaning, and*  
30 *maintaining equipment used in producing a product or product*  
31 *content, and water used in combined heat and power facilities used*  
32 *in producing a product or product content. equipment. Water used*  
33 *to cool machinery or buildings used in the manufacturing process*  
34 *or necessary to maintain product quality or chemical*  
35 *characteristics for product manufacturing or control rooms, data*  
36 *centers, laboratories, clean rooms, and other industrial facility*  
37 *units that are integral to the manufacturing or research and*  
38 *development process is process water. Water used in the*  
39 *manufacturing process that is necessary for complying with local,*  
40 *state, and federal health and safety laws, and is not incidental*

1 *water, is process water.* Process water does not mean incidental  
2 ~~water-uses not related to the production of a product or product~~  
3 ~~content, including, but not limited to, water used for restrooms,~~  
4 ~~landscaping, air conditioning, heating, kitchens, and laundry. uses.~~

5 ~~(o)~~

6 (p) “Recycled water” means recycled water, as defined in  
7 subdivision (n) of Section 13050.

8 ~~(p)~~

9 (q) “Regional water resources management” means sources of  
10 supply resulting from watershed-based planning for sustainable  
11 local water reliability or any of the following alternative sources  
12 of water:

13 (1) The capture and reuse of stormwater or rainwater.

14 (2) The use of recycled water.

15 (3) The desalination of brackish groundwater.

16 (4) The conjunctive use of surface water and groundwater in a  
17 manner that is consistent with the safe yield of the groundwater  
18 basin.

19 ~~(q)~~

20 (r) “Reporting period” means the years for which an urban retail  
21 water supplier reports compliance with the urban water use targets.

22 ~~(r)~~

23 (s) “Urban retail water supplier” means a water supplier, either  
24 publicly or privately owned, that directly provides potable  
25 municipal water to more than 3,000 end users or that supplies more  
26 than 3,000 acre-feet of potable water annually at retail for  
27 municipal purposes.

28 ~~(s)~~

29 (t) “Urban water use objective” means an estimate of aggregate  
30 efficient water use for the previous year based on adopted water  
31 use efficiency standards and local service area characteristics for  
32 that year, as described in Section 10609.20.

33 ~~(t)~~

34 (u) “Urban water use target” means the urban retail water  
35 supplier’s targeted future daily per capita water use.

36 ~~(u)~~

37 (v) “Urban wholesale water supplier,” means a water supplier,  
38 either publicly or privately owned, that provides more than 3,000  
39 acre-feet of water annually at wholesale for potable municipal  
40 purposes.

1 SEC. 8. Section 10608.20 of the Water Code is amended to  
2 read:

3 10608.20. (a) (1) Each urban retail water supplier shall  
4 develop urban water use targets and an interim urban water use  
5 target by July 1, 2011. Urban retail water suppliers may elect to  
6 determine and report progress toward achieving these targets on  
7 an individual or regional basis, as provided in subdivision (a) of  
8 Section 10608.28, and may determine the targets on a fiscal year  
9 or calendar year basis.

10 (2) It is the intent of the Legislature that the urban water use  
11 targets described in paragraph (1) cumulatively result in a  
12 20-percent reduction from the baseline daily per capita water use  
13 by December 31, 2020.

14 (b) An urban retail water supplier shall adopt one of the  
15 following methods for determining its urban water use target  
16 pursuant to subdivision (a):

17 (1) Eighty percent of the urban retail water supplier's baseline  
18 per capita daily water use.

19 (2) The per capita daily water use that is estimated using the  
20 sum of the following performance standards:

21 (A) For indoor residential water use, 55 gallons per capita daily  
22 water use as a provisional standard. Upon completion of the  
23 department's 2016 report to the Legislature pursuant to Section  
24 10608.42, this standard may be adjusted by the Legislature by  
25 statute.

26 (B) For landscape irrigated through dedicated or residential  
27 meters or connections, water efficiency equivalent to the standards  
28 of the Model Water Efficient Landscape Ordinance set forth in  
29 Chapter 2.7 (commencing with Section 490) of Division 2 of Title  
30 23 of the California Code of Regulations, as in effect the later of  
31 the year of the landscape's installation or 1992. An urban retail  
32 water supplier using the approach specified in this subparagraph  
33 shall use satellite imagery, site visits, or other best available  
34 technology to develop an accurate estimate of landscaped areas.

35 (C) For commercial, industrial, and institutional uses, a  
36 10-percent reduction in water use from the baseline commercial,  
37 industrial, and institutional water use by 2020.

38 (3) Ninety-five percent of the applicable state hydrologic region  
39 target, as set forth in the state's draft 20x2020 Water Conservation  
40 Plan (dated April 30, 2009). If the service area of an urban water

1 supplier includes more than one hydrologic region, the supplier  
2 shall apportion its service area to each region based on population  
3 or area.

4 (4) A method that shall be identified and developed by the  
5 department, through a public process, and reported to the  
6 Legislature no later than December 31, 2010. The method  
7 developed by the department shall identify per capita targets that  
8 cumulatively result in a statewide 20-percent reduction in urban  
9 daily per capita water use by December 31, 2020. In developing  
10 urban daily per capita water use targets, the department shall do  
11 all of the following:

12 (A) Consider climatic differences within the state.

13 (B) Consider population density differences within the state.

14 (C) Provide flexibility to communities and regions in meeting  
15 the targets.

16 (D) Consider different levels of per capita water use according  
17 to plant water needs in different regions.

18 (E) Consider different levels of commercial, industrial, and  
19 institutional water use in different regions of the state.

20 (F) Avoid placing an undue hardship on communities that have  
21 implemented conservation measures or taken actions to keep per  
22 capita water use low.

23 (c) If the department adopts a regulation pursuant to paragraph  
24 (4) of subdivision (b) that results in a requirement that an urban  
25 retail water supplier achieve a reduction in daily per capita water  
26 use that is greater than 20 percent by December 31, 2020, an urban  
27 retail water supplier that adopted the method described in paragraph  
28 (4) of subdivision (b) may limit its urban water use target to a  
29 reduction of not more than 20 percent by December 31, 2020, by  
30 adopting the method described in paragraph (1) of subdivision (b).

31 (d) The department shall update the method described in  
32 paragraph (4) of subdivision (b) and report to the Legislature by  
33 December 31, 2014. An urban retail water supplier that adopted  
34 the method described in paragraph (4) of subdivision (b) may adopt  
35 a new urban daily per capita water use target pursuant to this  
36 updated method.

37 (e) An urban retail water supplier shall include in its urban water  
38 management plan due in 2010 pursuant to Part 2.6 (commencing  
39 with Section 10610) the baseline daily per capita water use, urban  
40 water use target, interim urban water use target, and compliance

1 daily per capita water use, along with the bases for determining  
2 those estimates, including references to supporting data.

3 (f) When calculating per capita values for the purposes of this  
4 chapter, an urban retail water supplier shall determine population  
5 using federal, state, and local population reports and projections.

6 (g) An urban retail water supplier may update its 2020 urban  
7 water use target in its 2015 urban water management plan required  
8 pursuant to Part 2.6 (commencing with Section 10610).

9 (h) (1) The department, through a public process and in  
10 consultation with the California Urban Water Conservation  
11 Council, shall develop technical methodologies and criteria for  
12 the consistent implementation of this part, including, but not limited  
13 to, both of the following:

14 (A) Methodologies for calculating base daily per capita water  
15 use, baseline commercial, industrial, and institutional water use,  
16 compliance daily per capita water use, gross water use, service  
17 area population, indoor residential water use, and landscaped area  
18 water use.

19 (B) Criteria for adjustments pursuant to subdivisions (d) and  
20 (e) of Section 10608.24.

21 (2) The department shall post the methodologies and criteria  
22 developed pursuant to this subdivision on its Internet Web site,  
23 and make written copies available, by October 1, 2010. An urban  
24 retail water supplier shall use the methods developed by the  
25 department in compliance with this part.

26 (i) (1) The department shall adopt regulations for  
27 implementation of the provisions relating to process water in  
28 accordance with Section 10608.12, subdivision (e) of Section  
29 10608.24, and subdivision (d) of Section 10608.26.

30 (2) The initial adoption of a regulation authorized by this  
31 subdivision is deemed to address an emergency, for purposes of  
32 Sections 11346.1 and 11349.6 of the Government Code, and the  
33 department is hereby exempted for that purpose from the  
34 requirements of subdivision (b) of Section 11346.1 of the  
35 Government Code. After the initial adoption of an emergency  
36 regulation pursuant to this subdivision, the department shall not  
37 request approval from the Office of Administrative Law to readopt  
38 the regulation as an emergency regulation pursuant to Section  
39 11346.1 of the Government Code.

(j) (1) An urban retail water supplier is granted an extension to July 1, 2011, for adoption of an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) due in 2010 to allow the use of technical methodologies developed by the department pursuant to paragraph (4) of subdivision (b) and subdivision (h). An urban retail water supplier that adopts an urban water management plan due in 2010 that does not use the methodologies developed by the department pursuant to subdivision (h) shall amend the plan by July 1, 2011, to comply with this part.

(2) An urban wholesale water supplier whose urban water management plan prepared pursuant to Part 2.6 (commencing with Section 10610) was due and not submitted in 2010 is granted an extension to July 1, 2011, to permit coordination between an urban wholesale water supplier and urban retail water suppliers.

SEC. 9. Section 10608.35 is added to the Water Code, to read:

10608.35. (a) The department, in coordination with the board, shall conduct necessary studies and investigations and make a recommendation to the Legislature, by January 1, 2019, on the feasibility of developing and enacting water loss reporting requirements for urban wholesale water suppliers.

(b) The studies and investigations shall include an evaluation of the suitability of applying the processes and requirements of Section 10608.34 to urban wholesale water suppliers.

(c) In conducting necessary studies and investigations and developing its recommendation, the department shall solicit broad public participation from stakeholders and other interested persons.

SEC. 10. Section 10608.48 of the Water Code is amended to read:

10608.48. (a) On or before July 31, 2012, an agricultural water supplier shall implement efficient water management practices pursuant to subdivisions (b) and (c).

(b) Agricultural water suppliers shall implement both of the following critical efficient management practices:

(1) Measure the volume of water delivered to customers with sufficient accuracy to comply with subdivision (a) of Section 531.10 and to implement paragraph (2).

(2) Adopt a pricing structure for water customers based at least in part on quantity delivered.



1 (c) Agricultural water suppliers shall implement additional  
2 efficient management practices, including, but not limited to,  
3 practices to accomplish all of the following, if the measures are  
4 locally cost effective and technically feasible:

5 (1) Facilitate alternative land use for lands with exceptionally  
6 high water duties or whose irrigation contributes to significant  
7 problems, including drainage.

8 (2) Facilitate use of available recycled water that otherwise  
9 would not be used beneficially, meets all health and safety criteria,  
10 and does not harm crops or soils.

11 (3) Facilitate the financing of capital improvements for on-farm  
12 irrigation systems.

13 (4) Implement an incentive pricing structure that promotes one  
14 or more of the following goals:

15 (A) More efficient water use at the farm level.

16 (B) Conjunctive use of groundwater.

17 (C) Appropriate increase of groundwater recharge.

18 (D) Reduction in problem drainage.

19 (E) Improved management of environmental resources.

20 (F) Effective management of all water sources throughout the  
21 year by adjusting seasonal pricing structures based on current  
22 conditions.

23 (5) Expand line or pipe distribution systems, and construct  
24 regulatory reservoirs to increase distribution system flexibility and  
25 capacity, decrease maintenance, and reduce seepage.

26 (6) Increase flexibility in water ordering by, and delivery to,  
27 water customers within operational limits.

28 (7) Construct and operate supplier spill and tailwater recovery  
29 systems.

30 (8) Increase planned conjunctive use of surface water and  
31 groundwater within the supplier service area.

32 (9) Automate canal control structures.

33 (10) Facilitate or promote customer pump testing and evaluation.

34 (11) Designate a water conservation coordinator who will  
35 develop and implement the water management plan and prepare  
36 progress reports.

37 (12) Provide for the availability of water management services  
38 to water users. These services may include, but are not limited to,  
39 all of the following:

40 (A) On-farm irrigation and drainage system evaluations.

1 (B) Normal year and real-time irrigation scheduling and crop  
2 evapotranspiration information.

3 (C) Surface water, groundwater, and drainage water quantity  
4 and quality data.

5 (D) Agricultural water management educational programs and  
6 materials for farmers, staff, and the public.

7 (13) Evaluate the policies of agencies that provide the supplier  
8 with water to identify the potential for institutional changes to  
9 allow more flexible water deliveries and storage.

10 (14) Evaluate and improve the efficiencies of the supplier's  
11 pumps.

12 (d) Agricultural water suppliers shall include in the agricultural  
13 water management plans required pursuant to Part 2.8  
14 (commencing with Section 10800) a report on which efficient  
15 water management practices have been implemented and are  
16 planned to be implemented, an estimate of the water use efficiency  
17 improvements that have occurred since the last report, and an  
18 estimate of the water use efficiency improvements estimated to  
19 occur five and 10 years in the future. If an agricultural water  
20 supplier determines that an efficient water management practice  
21 is not locally cost effective or technically feasible, the supplier  
22 shall submit information documenting that determination.

23 (e) The department shall require information about the  
24 implementation of efficient water management practices to be  
25 reported using a standardized form developed pursuant to Section  
26 10608.52.

27 (f) An agricultural water supplier may meet the requirements  
28 of subdivisions (d) and (e) by submitting to the department a water  
29 conservation plan submitted to the United States Bureau of  
30 Reclamation that meets the requirements described in Section  
31 10828.

32 (g) On or before December 31, 2013, December 31, 2016, and  
33 December 31, 2021, the department, in consultation with the board,  
34 shall submit to the Legislature a report on the agricultural efficient  
35 water management practices that have been implemented and are  
36 planned to be implemented and an assessment of the manner in  
37 which the implementation of those efficient water management  
38 practices has affected and will affect agricultural operations,  
39 including estimated water use efficiency improvements, if any.

1 (h) The department may update the efficient water management  
2 practices required pursuant to subdivision (c), in consultation with  
3 the Agricultural Water Management Council, the United States  
4 Bureau of Reclamation, and the board. All efficient water  
5 management practices for agricultural water use pursuant to this  
6 chapter shall be adopted or revised by the department only after  
7 the department conducts public hearings to allow participation of  
8 the diverse geographical areas and interests of the state.

9 (i) (1) The department shall adopt regulations that provide for  
10 a range of options that agricultural water suppliers may use or  
11 implement to comply with the measurement requirement in  
12 paragraph (1) of subdivision (b).

13 (2) The initial adoption of a regulation authorized by this  
14 subdivision is deemed to address an emergency, for purposes of  
15 Sections 11346.1 and 11349.6 of the Government Code, and the  
16 department is hereby exempted for that purpose from the  
17 requirements of subdivision (b) of Section 11346.1 of the  
18 Government Code. After the initial adoption of an emergency  
19 regulation pursuant to this subdivision, the department shall not  
20 request approval from the Office of Administrative Law to readopt  
21 the regulation as an emergency regulation pursuant to Section  
22 11346.1 of the Government Code.

23 SEC. 11. Chapter 9 (commencing with Section 10609) is added  
24 to Part 2.55 of Division 6 of the Water Code, to read:

25  
26 CHAPTER 9. URBAN WATER USE OBJECTIVES AND WATER USE  
27 REPORTING  
28

29 10609. (a) The Legislature finds and declares that this chapter  
30 establishes a method to estimate the aggregate amount of water  
31 that would have been delivered the previous year by an urban retail  
32 water supplier if all that water had been used efficiently. This  
33 estimated aggregate water use is the urban retail water supplier's  
34 urban water use objective. The method is based on water use  
35 efficiency standards and local service area characteristics for that  
36 year. By comparing the amount of water actually used in the  
37 previous year with the urban water use objective, local urban water  
38 suppliers will be in a better position to help eliminate unnecessary  
39 use of water; that is, water used in excess of that needed to  
40 accomplish the intended beneficial use.

(b) The Legislature further finds and declares all of the following:

(1) This chapter establishes standards and practices for the following water uses:

(A) Indoor residential use.

(B) Outdoor residential use.

(C) CII water use.

(D) Water losses.

(E) Other unique local uses and situations that can have a material effect on an urban water supplier's total water use.

(2) This chapter further does all of the following:

(A) Establishes a method to calculate each urban water use objective.

(B) Considers recycled water quality in establishing efficient irrigation standards.

(C) Requires the department to provide or otherwise identify data regarding the unique local conditions to support the calculation of an urban water use objective.

(D) Provides for the use of alternative sources of data if alternative sources are shown to be as accurate as, or more accurate than, the data provided by the department.

(E) Requires annual reporting of the previous year's water use with the urban water use objective.

(F) Provides a credit for a portion of the amount of potable recycled water used the previous year when comparing the previous year's water use with the urban water use objective.

(3) This chapter requires the department and the board to solicit broad public participation from stakeholders and other interested persons in the development of the standards and the adoption of regulations pursuant to this chapter.

(4) This chapter preserves the Legislature's authority over long-term water use efficiency target setting and ensures appropriate legislative oversight of the implementation of this chapter by doing all of the following:

(A) Requiring the Legislative Analyst to conduct a review of the implementation of this act, including compliance with the adopted standards and regulations, accuracy of the data, use of alternate data, and other issues the Legislative Analyst deems appropriate.

1 (B) Stating legislative intent that the director of the department  
2 and the chairperson of the board appear before the appropriate  
3 Senate and Assembly policy committees to report on progress in  
4 implementing this chapter.

5 (C) Providing one-time-only authority to the department and  
6 board to adopt water use efficiency standards, except as explicitly  
7 provided in this chapter. Authorization to update the standards  
8 shall require separate legislation.

9 (c) It is the intent of the Legislature that the following principles  
10 apply to the development and implementation of long-term  
11 standards and urban water use objectives:

12 (1) Local urban water suppliers should have primary  
13 responsibility for meeting standards-based water use targets, and  
14 they shall retain the flexibility to develop their water supply  
15 portfolios, design and implement water conservation strategies,  
16 educate their customers, and enforce their rules.

17 (2) Long-term standards and urban water use objectives should  
18 advance the state's goals to mitigate and adapt to climate change.

19 (3) Long-term standards and urban water use objectives should  
20 acknowledge the shade, air quality, and heat-island reduction  
21 benefits provided to communities by trees through the support of  
22 water-efficient irrigation practices that keep trees healthy.

23 (4) The state should identify opportunities for streamlined  
24 reporting, eliminate redundant data submissions, and incentivize  
25 open access to data collected by urban and agricultural water  
26 suppliers.

27 10609.2. (a) The board, in coordination with the department,  
28 shall adopt long-term standards for the efficient use of water  
29 pursuant to this chapter on or before June 30, 2021.

30 (b) Standards shall be adopted for all of the following:

31 (1) Outdoor residential water use.

32 (2) Outdoor irrigation of landscape areas with dedicated  
33 irrigation meters in connection with CII water use.

34 (3) A volume for water loss.

35 (c) The long-term standards shall be set at a level designed to  
36 ~~meet so that together with the standard for indoor residential water~~  
37 ~~use, the standards together would exceed~~ the statewide  
38 conservation targets required pursuant to Chapter 3 (commencing  
39 with Section 10608.16).

(d) The board, in coordination with the department, may adopt by regulation variances recommended by the department pursuant to Section 10609.14 and guidelines and methodologies pertaining to the calculation of an urban water supplier's urban water use objective recommended by the department pursuant to Section 10609.16.

10609.4. (a) ~~The~~ (1) *Until January 1, 2025, the standard for indoor residential water use shall be \_\_\_\_\_ 55 gallons per capita daily.*

(2) *Beginning January 1, 2025, the standard for indoor residential water use shall be 50 gallons per capita daily.*

(b) The department, in coordination with the board, may conduct necessary studies and investigations to *jointly* recommend to the Legislature a standard for indoor residential water use that more appropriately reflects best practices for indoor residential water use than the standard described in subdivision (a). A recommendation pursuant to this subdivision, if there is one, shall be made to the chairpersons of the relevant policy committees of each house of the Legislature ~~by January 1, 2020~~, and shall include information necessary to support the recommended standard.

10609.6. (a) (1) The department, in coordination with the board, shall conduct necessary studies and investigations and recommend, no later than October 1, 2020, standards for outdoor residential use for adoption by the board in accordance with this chapter.

(2) (A) The standards shall incorporate the relevant principles of the model water efficient landscape ordinance adopted by the department pursuant to the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code).

(B) The standards shall apply to irrigable lands.

(C) The standards shall include provisions for swimming pools, spas, and other water features.

(b) The department shall, by January 1, 2020, provide each urban retail water supplier with data regarding the area of residential irrigable lands in a manner that can reasonably be applied to the standards adopted pursuant to this section.

(c) The department shall not recommend standards pursuant to this section until it has conducted pilot projects or studies, or some

1 combination of the two, to ensure that the data provided to local  
2 agencies are reasonably accurate for the data's intended uses.

3 10609.8. (a) The department, in coordination with the board,  
4 shall conduct necessary studies and investigations and recommend,  
5 no later than October 1, 2020, standards for outdoor irrigation of  
6 landscape areas with dedicated irrigation meters *or other means*  
7 *of calculating outdoor irrigation use* in connection with CII water  
8 use for adoption by the board in accordance with this chapter.

9 (b) The standards shall incorporate the relevant principles of  
10 the model water efficient landscape ordinance adopted by the  
11 department pursuant to the Water Conservation in Landscaping  
12 Act (Article 10.8 (commencing with Section 65591) of Chapter 3  
13 of Division 1 of Title 7 of the Government Code).

14 (c) The standards shall include an exclusion for water for  
15 commercial agricultural use meeting the definition of subdivision  
16 (b) of Section 51201 of the Government Code.

17 10609.10. (a) The department, in coordination with the board,  
18 shall conduct necessary studies and investigations and recommend,  
19 no later than October 1, 2020, performance measures for CII water  
20 use for adoption by the board in accordance with this chapter.

21 (b) Prior to recommending performance measures for CII water  
22 use, the department shall solicit broad public participation from  
23 stakeholders and other interested persons relating to all of the  
24 following:

25 (1) Recommendations for a CII water use classification system  
26 for California.

27 (2) Recommendations for setting minimum size thresholds for  
28 converting mixed CII meters to dedicated irrigation meters, and  
29 evaluation of, and recommendations for, technologies that could  
30 be used in lieu of requiring dedicated irrigation meters.

31 (3) Recommendations for CII water use best management  
32 practices, including, but not limited to, water audits and water  
33 management plans for those CII customers that exceed a  
34 recommended size, volume of water use, or other threshold.

35 (c) Recommendations of appropriate performance measures for  
36 CII water use shall consider the October 21, 2013, report to the  
37 Legislature by the Commercial, Industrial, and Institutional Task  
38 Force entitled "Water Use Best Management Practices," and shall  
39 support the economic productivity of California's commercial,  
40 industrial, and institutional sectors.

(d) (1) The board, in coordination with the department, shall adopt performance measures for CII water use on or before June 30, 2021.

(2) Each urban retail water supplier shall implement the performance measures adopted by the board pursuant to paragraph (1).

10609.12. The standards for water loss for urban retail water suppliers shall be the standards adopted by the board pursuant to subdivision (i) of Section 10608.34.

10609.14. (a) The department, in coordination with the board, shall conduct necessary studies and investigations and, no later than October 1, 2020, recommend for adoption by the board in accordance with this chapter appropriate variances for unique uses that can have a material effect on an urban retail water supplier's urban water use objective.

(b) Appropriate variances may include, but are not limited to, allowances for the following:

- (1) Significant use of evaporative coolers.
- (2) Significant populations of horses and other livestock.
- (3) Significant fluctuations in seasonal populations.
- (4) Significant landscaped areas irrigated with recycled water having high levels of total dissolved solids.

10609.16. The department, in coordination with the board, shall conduct necessary studies and investigations and recommend, no later than October 1, 2020, guidelines and methodologies for the board to adopt that identify how an urban retail water supplier calculates its urban water use objective. The guidelines and methodologies shall address, as necessary, all of the following:

(a) Determining the irrigable lands within the urban retail water supplier's service area.

(b) Updating and revising methodologies described pursuant to subparagraph (A) of paragraph (1) of subdivision (h) of Section 10608.20, as appropriate, including methodologies for calculating the population in an urban retail water supplier's service area.

(c) Using landscape area data provided by the department or alternative data.

(d) Incorporating precipitation data and climate data into estimates of a urban retail water supplier's outdoor irrigation budget for its urban water use objective.



1 (e) Estimating changes in outdoor landscape area and population,  
2 and calculating the urban water use objective, for years when  
3 updated landscape imagery is not available from the department.

4 (f) Determining acceptable levels of accuracy for the supporting  
5 data and the urban water use objective.

6 10609.18. The department and the board shall solicit broad  
7 public participation from stakeholders and other interested persons  
8 in the development of the standards and the adoption of regulations  
9 pursuant to this chapter.

10 10609.20. (a) Each urban retail water supplier shall calculate  
11 its urban water use objective no later than July 1, 2022, and by  
12 July 1 every year thereafter.

13 (b) The calculation shall be based on the urban retail water  
14 supplier's water use conditions for the previous calendar year.

15 (c) Each urban water supplier's urban water use objective shall  
16 be composed of the following:

17 (1) Aggregate estimated efficient indoor residential water use.

18 (2) Aggregate estimated efficient outdoor residential water use.

19 (3) Aggregate estimated efficient outdoor irrigation of landscape  
20 areas with dedicated irrigation meters *or equivalent technology* in  
21 connection with CII water use.

22 (4) Aggregate estimated efficient water losses.

23 (5) Aggregate estimated water use in accordance with variances,  
24 as appropriate.

25 (d) *An urban retail water supplier that delivers recycled water  
26 may adjust its urban water use objective by a credit calculated  
27 pursuant to this subdivision.*

28 (1) *The water use objective credit shall be the urban water use  
29 objective multiplied by a water use credit factor.*

30 (2) *The water use credit factor for 2021 shall be 10 percent.*

31 (3) *Beginning January 1, 2022, the water use credit factor for  
32 each subsequent year shall be 1 percentage point less than the  
33 credit factor for the previous year, until January 1, 2031, after  
34 which the credit factor shall reach and stay zero.*

35 ~~(d)~~

36 (e) (1) The calculation of the urban water use objective shall  
37 be made using landscape area and other data provided by the  
38 department and pursuant to the standards, guidelines, and  
39 methodologies adopted by the board.

(2) Notwithstanding paragraph (1), an urban retail water supplier may use alternative data in calculating the urban water use objective if the supplier demonstrates *to the department* that the alternative data are equivalent, or superior, in quality and accuracy to the data provided by the department. The department may provide technical assistance to an urban retail water supplier in evaluating whether the alternative data are appropriate for use in calculating the supplier's urban water use objective.

10609.22. (a) An urban retail water supplier shall calculate its actual urban water use no later than July 1, 2022, and by July 1 every year thereafter.

(b) The calculation shall be based on the urban retail water supplier's water use for the previous calendar year.

(c) Each urban water supplier's urban water use shall be composed of the following:

(1) Aggregate residential water use.

(2) Aggregate outdoor irrigation of landscape areas with dedicated irrigation meters in connection with CII water use.

(3) Aggregate water losses.

~~(d) Urban retail water suppliers that deliver potable reuse water may reduce the calculation of their actual urban water use by a credit calculated pursuant to this subdivision.~~

~~(1) The water use credit shall be the amount of delivered potable reuse water multiplied by a credit factor.~~

~~(2) The water use credit factor for 2021 shall be 10 percent.~~

~~(3) The water use credit factor for each subsequent year shall be one percentage point less than the credit factor for the previous year, until January 1, 2031, after which no credit factor shall apply.~~

10609.24. (a) An urban retail water supplier shall submit a report to the department no later than July 1, 2022, and by July 1 every year thereafter. The report shall include all of the following:

(1) The urban water use objective calculated pursuant to Section 10609.20 along with relevant supporting data.

(2) The actual urban water use calculated pursuant to Section 10609.22 along with relevant supporting data.

(3) Documentation of the implementation of the performance measures for CII water use.

(4) A description of the progress made towards meeting the urban water use objective.

1 (b) The department shall post the reports and information on its  
2 Internet Web site.

3 (c) The board may issue an information order or conservation  
4 order to, or impose civil liability on, an entity or individual for  
5 failure to submit a report required by this section.

6 10609.26. (a) (1) On and after July 1, 2022, the board may  
7 issue informational orders pertaining to water production, water  
8 use, and water conservation to an urban retail water supplier that  
9 does not meet its urban water use objective required by this chapter.  
10 Informational orders are intended to obtain information on supplier  
11 activities, water production, and conservation efforts in order to  
12 identify technical assistance needs and assist urban water suppliers  
13 in meeting their urban water use objectives.

14 (2) In determining whether to issue an informational order, the  
15 board shall consider the degree to which the urban retail water  
16 supplier is not meeting its urban water use objective, information  
17 provided in the report required by Section 10609.24, and actions  
18 the urban retail water supplier has implemented or will implement  
19 in order to help meet the urban water use objective.

20 (3) The board shall share information received pursuant to this  
21 subdivision with the department.

22 (4) An urban water supplier may request technical assistance  
23 from the department. The technical assistance may, to the extent  
24 available, include guidance documents, tools, and data.

25 (b) On and after July 1, 2023, the board may issue a written  
26 notice to an urban retail water supplier that does not meet its urban  
27 water use objective required by this chapter. The written notice  
28 may warn the urban retail water supplier that it is not meeting its  
29 urban water use objective described in Section 10609.20 and is  
30 not making adequate progress in meeting the urban water use  
31 objective, and may request that the urban retail water supplier  
32 address areas of concern in its next annual report required by  
33 Section 10609.24. In deciding whether to issue a written notice,  
34 the board may consider whether the urban retail water supplier has  
35 received an informational order, the degree to which the urban  
36 retail water supplier is not meeting its urban water use objective,  
37 information provided in the report required by Section 10609.24,  
38 and actions the urban retail water supplier has implemented or will  
39 implement in order to help meet its urban water use objective.

(c) (1) On and after July 1, 2024, the board may issue a conservation order to an urban retail water supplier that does not meet its urban water use objective. A conservation order may consist of, but is not limited to, referral to the department for technical assistance, requirements for education and outreach, requirements for local enforcement, and other efforts to assist urban retail water suppliers in meeting their urban water use objective.

(2) In issuing a conservation order, the board shall identify specific deficiencies in an urban retail water supplier's progress towards meeting its urban water use objective, and identify specific actions to address the deficiencies.

(3) The board may request that the department provide an urban retail water supplier with technical assistance to support the urban retail water supplier's actions to remedy the deficiencies.

(d) *A conservation order issued in accordance with this chapter shall not curtail or otherwise limit the exercise of a water right.*

10609.28. The board may issue a regulation or informational order requiring *a wholesale water supplier, an urban retail water supplier, or a distributor of a public water supply*, as that term is used in Section 350, to provide a monthly report relating to water production, water use, or water conservation.

10609.30. On or before January 10, 2023, the Legislative Analyst shall provide to the appropriate policy committees of both houses of the Legislature and the public a report evaluating the implementation of urban water conservation standards and water use reporting pursuant to this chapter. The board and the department shall provide the Legislative Analyst with the available data to complete this report.

(a) The report shall describe all of the following:

(1) The rate at which urban retail water users are complying with the standards, and factors that might facilitate or impede their compliance.

(2) The accuracy of the data and estimates being used to calculate urban water use objectives.

(3) Indications of the economic impacts, if any, of the implementation of this chapter on *urban water suppliers and urban water users*, including CII water users.

(4) The early indications of how implementing this chapter might impact the efficiency of statewide urban water use.

1 (5) Recommendations, if any, for improving statewide urban  
2 water use efficiency and the standards and practices described in  
3 this chapter.

4 (6) Any other issues the Legislative Analyst deems appropriate.

5 10609.32. It is the intent of the Legislature that the chairperson  
6 of the board and the director of the department appear before the  
7 appropriate policy committees of both houses of the Legislature  
8 on or around January 1, 2025, and report on the implementation  
9 of urban water conservation standards and water use reporting  
10 pursuant to this chapter. It is the intent of the Legislature that the  
11 topics to be covered include all of the following:

12 (a) The rate at which urban retail water ~~users~~ *suppliers* are  
13 complying with the standards, and factors that might facilitate or  
14 impede their compliance.

15 (b) What enforcement actions have been taken, if any.

16 (c) The accuracy of the data and estimates being used to  
17 calculate urban water use objectives.

18 (d) Indications of the economic impacts, if any, of the  
19 implementation of this chapter on *urban water suppliers and* urban  
20 water users, including CII water users.

21 (e) An assessment of how implementing this chapter is affecting  
22 the efficiency of statewide urban water use.

23 10609.34. Notwithstanding Section 15300.2 of Title 14 of the  
24 California Code of Regulations, an action of the board taken under  
25 this chapter shall be deemed to be a Class 8 action, within the  
26 meaning of Section 15308 of Title 14 of the California Code of  
27 Regulations, provided that the action does not involve relaxation  
28 of existing water conservation or water use standards.

29 10609.36. (a) Nothing in this chapter shall be construed to  
30 determine or alter water rights. Sections 1010 and 1011 apply to  
31 water conserved through implementation of this chapter.

32 (b) Nothing in this chapter shall be construed to authorize the  
33 board to update or revise water use efficiency standards authorized  
34 by this chapter except as explicitly provided in this chapter.  
35 Authorization to update the standards beyond that explicitly  
36 provided in this chapter shall require separate legislation.

37 SEC. 12. Chapter 10 (commencing with Section 10609.40) is  
38 added to Part 2.55 of Division 6 of the Water Code, to read:

1 CHAPTER 10. COUNTYWIDE DROUGHT AND WATER SHORTAGE  
2 CONTINGENCY PLANS  
3

4 10609.40. The Legislature finds and declares both of the  
5 following:

6 (a) Small water suppliers and rural communities are not covered  
7 by established water shortage planning requirements. Currently,  
8 most counties do not address water shortages or do so minimally  
9 in their general plan or the local hazard mitigation plan.

10 (b) The state should provide guidance to improve drought  
11 planning for small water suppliers and rural communities.

12 10609.42. (a) ~~The~~ *No later than January 1, 2019, the*  
13 *department, in consultation with the board and other relevant state*  
14 *and local agencies and stakeholders, shall use available data to*  
15 *identify small water suppliers and rural communities that may be*  
16 *at risk of drought and water shortage vulnerability. The department*  
17 *shall notify counties and groundwater sustainability agencies of*  
18 *those suppliers or communities that may be at risk within its*  
19 *jurisdiction, and may make the information publicly accessible on*  
20 *its Internet Web site.*

21 (b) *The department shall, in consultation with the board, by*  
22 *January 1, 2019, propose to the Governor and the Legislature*  
23 *recommendations and guidance relating to the development and*  
24 *implementation of countywide drought and water shortage*  
25 *contingency plans to address the planning needs of small water*  
26 *suppliers and rural communities. The department shall recommend*  
27 *how these plans can be included in county local hazard mitigation*  
28 *plans or otherwise integrated with complementary existing planning*  
29 *processes. The guidance from the department shall outline goals*  
30 *of the countywide drought and water shortage contingency plans*  
31 *and recommend components including, but not limited to, all of*  
32 *the following:*

- 33 (1) Assessment of drought vulnerability.  
34 (2) Actions to reduce drought vulnerability.  
35 (3) Response, financing, and local communication and outreach  
36 planning efforts that may be implemented in times of drought.  
37 (4) Data needs and reporting.  
38 (5) Roles and responsibilities of interested parties and  
39 coordination with other relevant water management planning  
40 efforts.

1     ~~(b)~~

2     (c) In formulating the proposal, the department shall utilize a  
3 public process involving state agencies, cities, counties, small  
4 communities, small water suppliers, and other stakeholders.

5     SEC. 13. Section 10610.2 of the Water Code is amended to  
6 read:

7     10610.2. (a) The Legislature finds and declares all of the  
8 following:

9     (1) The waters of the state are a limited and renewable resource  
10 subject to ever-increasing demands.

11     (2) The conservation and efficient use of urban water supplies  
12 are of statewide concern; however, the planning for that use and  
13 the implementation of those plans can best be accomplished at the  
14 local level.

15     (3) A long-term, reliable supply of water is essential to protect  
16 the productivity of California's businesses and economic climate,  
17 and increasing long-term water conservation among Californians,  
18 improving water use efficiency within the state's communities and  
19 agricultural production, and strengthening local and regional  
20 drought planning are critical to California's resilience to drought  
21 and climate change.

22     (4) As part of its long-range planning activities, every urban  
23 water supplier should make every effort to ensure the appropriate  
24 level of reliability in its water service sufficient to meet the needs  
25 of its various categories of customers during normal, dry, and  
26 multiple dry water years now and into the foreseeable future, and  
27 every urban water supplier should ~~actively engage~~ *collaborate*  
28 *closely with* local land-use authorities to ensure water demand  
29 forecasts are consistent with current land-use planning.

30     (5) Public health issues have been raised over a number of  
31 contaminants that have been identified in certain local and imported  
32 water supplies.

33     (6) Implementing effective water management strategies,  
34 including groundwater storage projects and recycled water projects,  
35 may require specific water quality and salinity targets for meeting  
36 groundwater basins water quality objectives and promoting  
37 beneficial use of recycled water.

38     (7) Water quality regulations are becoming an increasingly  
39 important factor in water agencies' selection of raw water sources,

1 treatment alternatives, and modifications to existing treatment  
2 facilities.

3 (8) Changes in drinking water quality standards may also impact  
4 the usefulness of water supplies and may ultimately impact supply  
5 reliability.

6 (9) The quality of source supplies can have a significant impact  
7 on water management strategies and supply reliability.

8 (b) This part is intended to provide assistance to water agencies  
9 in carrying out their long-term resource planning responsibilities  
10 to ensure adequate water supplies to meet existing and future  
11 demands for water.

12 SEC. 14. Section 10610.4 of the Water Code is amended to  
13 read:

14 10610.4. The Legislature finds and declares that it is the policy  
15 of the state as follows:

16 (a) The management of urban water demands and efficient use  
17 of water shall be actively pursued to protect both the people of the  
18 state and their water resources.

19 (b) The management of urban water demands and efficient use  
20 of urban water supplies shall be a guiding criterion in public  
21 decisions.

22 (c) Urban water suppliers shall be required to develop water  
23 management plans to achieve the efficient use of available supplies  
24 and strengthen local drought planning.

25 SEC. 15. Section 10612 of the Water Code is amended and  
26 renumbered to read:

27 10611.3. "Customer" means a purchaser of water from a water  
28 supplier who uses the water for municipal purposes, including  
29 residential, commercial, governmental, and industrial uses.

30 SEC. 16. Section 10612 is added to the Water Code, to read:

31 10612. "Drought risk assessment" means a method that  
32 examines water shortage risks based on the driest five-year historic  
33 sequence for the agency's water supply, as described in subdivision  
34 (b) of Section 10635.

35 SEC. 17. Section 10617.5 is added to the Water Code, to read:

36 10617.5. "Water shortage contingency plan" means a document  
37 that incorporates the provisions detailed in subdivision (a) of  
38 Section 10632 and is subsequently adopted by an urban water  
39 supplier pursuant to this article.

40 SEC. 18. Section 10618 is added to the Water Code, to read:



1 10618. “Water supply and demand assessment” means a  
2 method that looks at current year and one or more dry year supplies  
3 and demands for determining water shortage risks, as described  
4 in Section 10632.1.

5 SEC. 19. Section 10620 of the Water Code is amended to read:

6 10620. (a) Every urban water supplier shall prepare and adopt  
7 an urban water management plan in the manner set forth in Article  
8 3 (commencing with Section 10640).

9 (b) Every person that becomes an urban water supplier shall  
10 adopt an urban water management plan within one year after it  
11 has become an urban water supplier.

12 (c) An urban water supplier indirectly providing water shall not  
13 include planning elements in its water management plan as  
14 provided in Article 2 (commencing with Section 10630) that would  
15 be applicable to urban water suppliers or public agencies directly  
16 providing water, or to their customers, without the consent of those  
17 suppliers or public agencies.

18 (d) (1) An urban water supplier may satisfy the requirements  
19 of this part by participation in areawide, regional, watershed, or  
20 basinwide urban water management planning where those plans  
21 will reduce preparation costs and contribute to the achievement of  
22 conservation, efficient water use, and improved local drought  
23 resilience.

24 (2) Notwithstanding paragraph (1), each urban water supplier  
25 shall develop its own water shortage contingency plan, but an  
26 urban water supplier may incorporate, collaborate, and otherwise  
27 share information with other urban water suppliers or other  
28 governing entities participating in an area-wide, regional,  
29 watershed, or basin-wide urban water management plan, an  
30 agricultural management plan, or groundwater sustainability plan  
31 development.

32 (3) Each urban water supplier shall coordinate the preparation  
33 of its plan with other appropriate agencies in the area, including  
34 other water suppliers that share a common source, water  
35 management agencies, and relevant public agencies, to the extent  
36 practicable.

37 (e) The urban water supplier may prepare the plan with its own  
38 staff, by contract, or in cooperation with other governmental  
39 agencies.

1 (f) An urban water supplier shall describe in the plan water  
2 management tools and options used by that entity that will  
3 maximize resources and minimize the need to import water from  
4 other regions.

5 SEC. 20. Section 10621 of the Water Code is amended to read:

6 10621. (a) Each urban water supplier shall update its plan at  
7 least once every five years on or before July 1, in years ending in  
8 six and one, incorporating updated and new information from the  
9 five years preceding each update.

10 (b) Every urban water supplier required to prepare a plan  
11 pursuant to this part shall, at least 60 days before the public hearing  
12 on the plan required by Section 10642, notify any city or county  
13 within which the supplier provides water supplies that the urban  
14 water supplier will be reviewing the plan and considering  
15 amendments or changes to the plan. The urban water supplier may  
16 consult with, and obtain comments from, any city or county that  
17 receives notice pursuant to this subdivision.

18 (c) An urban water supplier regulated by the Public Utilities  
19 Commission shall include its most recent plan and water shortage  
20 contingency plan as part of the supplier's general rate case filings.

21 (d) The amendments to, or changes in, the plan shall be adopted  
22 and filed in the manner set forth in Article 3 (commencing with  
23 Section 10640).

24 (e) Each urban water supplier shall update and submit its 2015  
25 plan to the department by July 1, 2016.

26 (f) (1) Each urban water supplier shall update and submit its  
27 2020 plan to the department by July 1, 2021.

28 (2) By January 1, 2023, each urban *retail* water supplier shall  
29 adopt and submit to the department a supplement to the adopted  
30 2020 plan that includes information required pursuant to  
31 subparagraph (B) of paragraph (1) of subdivision (e) of Section  
32 10631.

33 SEC. 21. Section 10630 of the Water Code is amended to read:

34 10630. It is the intention of the Legislature, in enacting this  
35 part, to permit levels of water management planning commensurate  
36 with the numbers of customers served and the volume of water  
37 supplied, while accounting for impacts from climate change.

38 SEC. 22. Section 10630.5 is added to the Water Code, to read:

39 10630.5. Each plan shall include a simple lay description of  
40 how much water the agency has on a reliable basis, how much it

1 needs for the foreseeable future, what the agency's strategy is for  
2 meeting its water needs, the challenges facing the agency, and any  
3 other information necessary to provide a general understanding of  
4 the agency's plan.

5 SEC. 23. Section 10631 of the Water Code is amended to read:

6 10631. A plan shall be adopted in accordance with this chapter  
7 that shall do all of the following:

8 (a) Describe the service area of the supplier, including current  
9 and projected population, climate, and other social, economic, and  
10 demographic factors affecting the supplier's water management  
11 planning. The projected population estimates shall be based upon  
12 data from the state, regional, or local service agency population  
13 projections within the service area of the urban water supplier and  
14 shall be in five-year increments to 20 years or as far as data is  
15 available. The description shall include the current and projected  
16 land uses within the existing or anticipated service area affecting  
17 the supplier's water management planning. Urban water suppliers  
18 shall coordinate with local or regional land use authorities to  
19 determine the ~~best source of~~ *most appropriate* land use information,  
20 including, where appropriate, land use information obtained from  
21 local or regional land use authorities, as developed pursuant to  
22 Article 5 (commencing with Section 65300) of Chapter 3 of  
23 Division 1 of Title 7 of the Government Code.

24 (b) Identify and quantify, to the extent practicable, the existing  
25 and planned sources of water available to the supplier over the  
26 same five-year increments described in subdivision (a), providing  
27 supporting and related information, including all of the following:

28 (1) A detailed discussion of anticipated supply availability under  
29 a normal water year, single dry year, and droughts lasting at least  
30 five years, as well as more frequent and severe periods of drought,  
31 as described in the drought risk assessment. For each source of  
32 water supply, consider any information pertinent to the reliability  
33 analysis conducted pursuant to Section 10635, including changes  
34 in supply due to climate change.

35 (2) When multiple sources of water supply are identified, a  
36 description of the management of each supply in correlation with  
37 the other identified supplies.

38 (3) For any planned sources of water supply, a description of  
39 the measures that are being undertaken to acquire and develop  
40 those water supplies.

(4) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information:

(A) The current version of any groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720), any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management for basins underlying the urban water supplier's service area.

(B) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For a basin that has not been adjudicated, information as to whether the department has identified the basin as a high- or medium-priority basin in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to coordinate with groundwater sustainability agencies or groundwater management agencies listed in subdivision (c) of Section 10723 to maintain or achieve sustainable groundwater conditions in accordance with a groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720).

(C) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(D) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(d) (1) For an urban retail water supplier, quantify, to the extent records are available, past and current water use, over the same

1 five-year increments described in subdivision (a), and projected  
2 water use, based upon information developed pursuant to  
3 subdivision (a), identifying the uses among water use sectors,  
4 including, but not necessarily limited to, all of the following:

- 5 (A) Single-family residential.
- 6 (B) Multifamily.
- 7 (C) Commercial.
- 8 (D) Industrial.
- 9 (E) Institutional and governmental.
- 10 (F) Landscape.
- 11 (G) Sales to other agencies.
- 12 (H) Saline water intrusion barriers, groundwater recharge, or  
13 conjunctive use, or any combination thereof.
- 14 (I) Agricultural.
- 15 (J) Distribution system water loss.

16 (2) The water use projections shall be in the same five-year  
17 increments described in subdivision (a).

18 (3) (A) The distribution system water loss shall be quantified  
19 for each of the five years preceding the plan update, in accordance  
20 with rules adopted pursuant to Section 10608.34.

21 (B) The distribution system water loss quantification shall be  
22 reported in accordance with a worksheet approved or developed  
23 by the department through a public process. The water loss  
24 quantification worksheet shall be based on the water system  
25 balance methodology developed by the American Water Works  
26 Association.

27 (C) In the plan due July 1, 2021, and in each update thereafter,  
28 data shall be included to show whether the urban retail water  
29 supplier met the distribution loss standards enacted by the board  
30 pursuant to Section 10608.34.

31 (4) (A) Water use projections, where available, shall display  
32 and account for the water savings estimated to result from adopted  
33 codes, standards, ordinances, or transportation and land use plans  
34 identified by the urban water supplier, as applicable to the service  
35 area.

36 (B) To the extent that an urban water supplier reports the  
37 information described in subparagraph (A), an urban water supplier  
38 shall do both of the following:

1 (i) Provide citations of the various codes, standards, ordinances,  
2 or transportation and land use plans utilized in making the  
3 projections.

4 (ii) Indicate the extent that the water use projections consider  
5 savings from codes, standards, ordinances, or transportation and  
6 land use plans. Water use projections that do not account for these  
7 water savings shall be noted of that fact.

8 (e) Provide a description of the supplier's water demand  
9 management measures. This description shall include all of the  
10 following:

11 (1) (A) For an urban retail water supplier, as defined in Section  
12 10608.12, a narrative description that addresses the nature and  
13 extent of each water demand management measure implemented  
14 over the past five years. The narrative shall describe the water  
15 demand management measures that the supplier plans to implement  
16 to achieve its water use targets pursuant to Section 10608.20.

17 (B) For the supplement required *of urban retail water suppliers*  
18 by paragraph (2) of subdivision (f) of Section 10621, a narrative  
19 that describes the water demand management measures that the  
20 supplier plans to implement to achieve its urban water use objective  
21 *by January 1, 2026*, pursuant to Chapter 9 (commencing with  
22 Section 10609) of Part 2.55.

23 (C) The narrative pursuant to this paragraph shall include  
24 descriptions of the following water demand management measures:

25 (i) Water waste prevention ordinances.

26 (ii) Metering.

27 (iii) Conservation pricing.

28 (iv) Public education and outreach.

29 (v) Programs to assess and manage distribution system real loss.

30 (vi) Water conservation program coordination and staffing  
31 support.

32 (vii) Other demand management measures that have a significant  
33 impact on water use as measured in gallons per capita per day,  
34 including innovative measures, if implemented.

35 (2) For an urban wholesale water supplier, as defined in Section  
36 10608.12, a narrative description of the items in clauses (ii), (iv),  
37 (vi), and (vii) of subparagraph (C) of paragraph (1), and a narrative  
38 description of its distribution system asset management and  
39 wholesale supplier assistance programs.

(f) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use, as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in normal and single-dry water years and for a period of drought lasting five or more consecutive water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

(g) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

(h) An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (f). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (f).

SEC. 24. Section 10631.2 of the Water Code is amended to read:

10631.2. (a) In addition to the requirements of Section 10631, an urban water management plan shall include any of the following information that the urban water supplier can readily obtain:

(1) An estimate of the amount of energy used to extract or divert water supplies.

(2) An estimate of the amount of energy used to convey water supplies to the water treatment plants or distribution systems.

1 (3) An estimate of the amount of energy used to treat water  
2 supplies.

3 (4) An estimate of the amount of energy used to distribute water  
4 supplies through its distribution systems.

5 (5) An estimate of the amount of energy used for treated water  
6 supplies in comparison to the amount used for nontreated water  
7 supplies.

8 (6) An estimate of the amount of energy used to place water  
9 into or withdraw from storage.

10 (7) Any other energy-related information the urban water  
11 supplier deems appropriate.

12 (b) The department shall include in its guidance for the  
13 preparation of urban water management plans a methodology for  
14 the voluntary calculation or estimation of the energy intensity of  
15 urban water systems. The department may consider studies and  
16 calculations conducted by the Public Utilities Commission in  
17 developing the methodology.

18 (c) The Legislature finds and declares that energy use is only  
19 one factor in water supply planning and shall not be considered  
20 independently of other factors.

21 SEC. 25. Section 10631.7 of the Water Code is repealed.

22 SEC. 26. Section 10632 of the Water Code is repealed.

23 SEC. 27. Section 10632 is added to the Water Code, to read:

24 10632. (a) Every urban water supplier shall prepare and adopt  
25 a water shortage contingency plan as part of its urban water  
26 management plan that consists of each of the following elements:

27 (1) The analysis of water supply reliability conducted pursuant  
28 to Section 10635.

29 (2) The procedures used in conducting an annual water supply  
30 and demand assessment that include, at a minimum, both of the  
31 following:

32 (A) The written decisionmaking process that an urban water  
33 supplier will use each year to determine its water supply reliability.

34 (B) The key data inputs and assessment methodology used to  
35 evaluate the urban water supplier's water supply reliability for the  
36 current year and one or more dry years, including all of the  
37 following:

38 (i) Current year unconstrained demand, considering weather,  
39 growth, and other influencing factors, such as policies to manage



1 current supplies to meet demand objectives in future years, as  
2 applicable.

3 (ii) Current year available supply, considering hydrological and  
4 regulatory conditions in the current year and one or more dry years.

5 (iii) Existing infrastructure capabilities and plausible constraints.

6 (iv) A defined set of locally applicable evaluation criteria that  
7 are consistently relied upon for each annual water supply and  
8 demand assessment.

9 (v) A description and quantification of each source of water  
10 supply.

11 (3) (A) Six standard water shortage levels corresponding to  
12 progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages  
13 and greater than 50 percent shortage. Urban water suppliers shall  
14 define these shortage levels based on the suppliers' water supply  
15 conditions, including percentage reductions in water supply,  
16 changes in groundwater levels, changes in surface elevation or  
17 level of subsidence, or other changes in hydrological or other local  
18 conditions indicative of the water supply available for use. Shortage  
19 levels shall also apply to catastrophic interruption of water supplies,  
20 including, but not limited to, a regional power outage, an  
21 earthquake, and other potential emergency events.

22 (B) An urban water supplier with an existing water shortage  
23 contingency plan that uses different water shortage levels may  
24 comply with the requirement in subparagraph (A) by developing  
25 and including a cross-reference relating its existing categories to  
26 the six standard water shortage levels.

27 (4) Shortage response actions that align with the defined  
28 shortage levels and include, at a minimum, all of the following:

29 (A) Locally appropriate supply augmentation actions.

30 (B) Locally appropriate demand reduction actions to adequately  
31 respond to shortages.

32 (C) Locally appropriate operational changes.

33 (D) Additional, mandatory prohibitions against specific water  
34 use practices that are in addition to state-mandated prohibitions  
35 and appropriate to the local conditions.

36 (E) For each action, an estimate of the extent to which the gap  
37 between supplies and demand will be reduced by implementation  
38 of the action.

(5) Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communications.

(6) For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.

(7) (A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

(B) ~~An~~ *A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1.*

(C) ~~An~~ *A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code.*

(8) A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:

(A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1.

(9) For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is

1 collected, tracked, and analyzed for purposes of monitoring  
2 customer compliance and to meet state reporting requirements.

3 (10) Reevaluation and improvement procedures for  
4 systematically monitoring and evaluating the functionality of the  
5 water shortage contingency plan in order to ensure shortage risk  
6 tolerance is adequate and appropriate water shortage mitigation  
7 strategies are implemented as needed.

8 (b) For purposes of developing the water shortage contingency  
9 plan pursuant to subdivision (a), an urban water supplier shall  
10 analyze and define water features that are artificially supplied with  
11 water, including ponds, lakes, waterfalls, and fountains, separately  
12 from swimming pools and spas, as defined in subdivision (a) of  
13 Section 115921 of the Health and Safety Code.

14 (c) The urban water supplier shall make available the water  
15 shortage contingency plan prepared pursuant to this article to its  
16 customers and any city or county within which it provides water  
17 supplies no later than 30 days after adoption of the water shortage  
18 contingency plan.

19 SEC. 28. Section 10632.1 is added to the Water Code, to read:

20 10632.1. An urban water supplier shall conduct an annual water  
21 supply and demand assessment pursuant to subdivision (a) of  
22 Section 10632 and, on or before June 1 of each year, submit an  
23 annual water shortage assessment report to the department with  
24 information for anticipated shortage, triggered shortage response  
25 actions, compliance and enforcement actions, and communication  
26 actions consistent with the supplier's water shortage contingency  
27 plan. An urban water supplier that relies on imported water from  
28 the State Water Project or the Bureau of Reclamation shall submit  
29 its annual water supply and demand assessment within 14 days of  
30 receiving its final allocations, or by June 1 of each year, whichever  
31 is later.

32 SEC. 29. Section 10632.2 is added to the Water Code, to read:

33 10632.2. An urban water supplier shall follow, where feasible  
34 and appropriate, the prescribed procedures and implement  
35 determined shortage response actions in its water shortage  
36 contingency plan, as identified in subdivision (a) of Section 10632,  
37 or reasonable alternative actions, provided that descriptions of the  
38 alternative actions are submitted with the annual water shortage  
39 assessment report pursuant to Section 10632.1. Nothing in this  
40 section prohibits an urban water supplier from taking actions not

1 specified in its water shortage contingency plan, if needed, without  
2 having to formally amend its urban water management plan or  
3 water shortage contingency plan.

4 SEC. 30. Section 10632.3 is added to the Water Code, to read:

5 10632.3. It is the intent of the Legislature that, upon  
6 proclamation by the Governor of a state of emergency under the  
7 California Emergency Services Act (Chapter 7 (commencing with  
8 Section 8550) of Division 1 of Title 2 of the Government Code)  
9 based on drought conditions, the board defer to implementation  
10 of locally adopted water shortage contingency plans to the extent  
11 practicable.

12 ~~SEC. 31. Section 10632.4 is added to the Water Code, to read:~~

13 ~~10632.4. The department may update the Urban Water~~  
14 ~~Management Guidebook to include and further clarify, where~~  
15 ~~necessary, the requirements contained in subdivision (a) of Section~~  
16 ~~10632.~~

17 ~~SEC. 32.~~

18 SEC. 31. Section 10635 of the Water Code is amended to read:

19 10635. (a) Every urban water supplier shall include, as part  
20 of its urban water management plan, an assessment of the reliability  
21 of its water service to its customers during normal, dry, and  
22 multiple dry water years. This water supply and demand assessment  
23 shall compare the total water supply sources available to the water  
24 supplier with the long-term total projected water use over the next  
25 20 years, in five-year increments, for a normal water year, a single  
26 dry water year, and a drought lasting five or more consecutive  
27 water years. The water service reliability assessment shall be based  
28 upon the information compiled pursuant to Section 10631,  
29 including available data from state, regional, or local agency  
30 population projections within the service area of the urban water  
31 supplier.

32 (b) Every urban water supplier shall include, as part of its urban  
33 water management plan, a drought risk assessment for its water  
34 service to its customers as part of information considered in  
35 developing the demand management measures and water supply  
36 projects and programs to be included in the urban water  
37 management plan. The urban water supplier may conduct an  
38 interim update or updates to this drought risk assessment within  
39 the five-year cycle of its urban water management plan update.  
40 The drought risk assessment shall include each of the following:

1 (1) A description of the data, methodology, and basis for one  
2 or more supply shortage conditions that are necessary to conduct  
3 a drought risk assessment for a drought period that lasts five or  
4 more consecutive water years, starting from the year following  
5 when the assessment is conducted.

6 (2) A determination of the reliability of each source of supply  
7 under a variety of water shortage conditions. This may include a  
8 determination that a particular source of water supply is fully  
9 reliable under most, if not all, conditions.

10 (3) A comparison of the total water supply sources available to  
11 the water supplier with the total projected water use for the drought  
12 period.

13 (4) Considerations of the historical drought hydrology, plausible  
14 changes on projected supplies and demands under climate change  
15 conditions, anticipated regulatory changes, and other locally  
16 applicable criteria.

17 (c) The urban water supplier shall provide that portion of its  
18 urban water management plan prepared pursuant to this article to  
19 any city or county within which it provides water supplies no later  
20 than 60 days after the submission of its urban water management  
21 plan.

22 (d) Nothing in this article is intended to create a right or  
23 entitlement to water service or any specific level of water service.

24 (e) Nothing in this article is intended to change existing law  
25 concerning an urban water supplier's obligation to provide water  
26 service to its existing customers or to any potential future  
27 customers.

28 ~~SEC. 33.~~

29 *SEC. 32.* Section 10640 of the Water Code is amended to read:

30 10640. (a) Every urban water supplier required to prepare a  
31 plan pursuant to this part shall prepare its plan pursuant to Article  
32 2 (commencing with Section 10630). The supplier shall likewise  
33 periodically review the plan as required by Section 10621, and  
34 any amendments or changes required as a result of that review  
35 shall be adopted pursuant to this article.

36 (b) Every urban water supplier required to prepare a water  
37 shortage contingency plan shall prepare a water shortage  
38 contingency plan pursuant to Section 10632. The supplier shall  
39 likewise periodically review the water shortage contingency plan  
40 as required by paragraph (10) of subdivision (a) of Section 10632

1 and any amendments or changes required as a result of that review  
2 shall be adopted pursuant to this article.

3 ~~SEC. 34.~~

4 *SEC. 33.* Section 10641 of the Water Code is amended to read:

5 10641. An urban water supplier required to prepare a plan or  
6 a water shortage contingency plan may consult with, and obtain  
7 comments from, any public agency or state agency or any person  
8 who has special expertise with respect to water demand  
9 management methods and techniques.

10 ~~SEC. 35.~~

11 *SEC. 34.* Section 10642 of the Water Code is amended to read:

12 10642. Each urban water supplier shall encourage the active  
13 involvement of diverse social, cultural, and economic elements of  
14 the population within the service area prior to and during the  
15 preparation of both the plan and the water shortage contingency  
16 plan. Prior to adopting either, the urban water supplier shall make  
17 both the plan and the water shortage contingency plan available  
18 for public inspection and shall hold a public hearing or hearings  
19 thereon. Prior to any of these hearings, notice of the time and place  
20 of the hearing shall be published within the jurisdiction of the  
21 publicly owned water supplier pursuant to Section 6066 of the  
22 Government Code. The urban water supplier shall provide notice  
23 of the time and place of a hearing to any city or county within  
24 which the supplier provides water supplies. Notices by a local  
25 public agency pursuant to this section shall be provided pursuant  
26 to Chapter 17.5 (commencing with Section 7290) of Division 7 of  
27 Title 1 of the Government Code. A privately owned water supplier  
28 shall provide an equivalent notice within its service area. After the  
29 hearing or hearings, the plan or water shortage contingency plan  
30 shall be adopted as prepared or as modified after the hearing or  
31 hearings.

32 ~~SEC. 36.~~

33 *SEC. 35.* Section 10644 of the Water Code is amended to read:

34 10644. (a) (1) An urban water supplier shall submit to the  
35 department, the California State Library, and any city or county  
36 within which the supplier provides water supplies a copy of its  
37 plan no later than 30 days after adoption. Copies of amendments  
38 or changes to the plans shall be submitted to the department, the  
39 California State Library, and any city or county within which the  
40 supplier provides water supplies within 30 days after adoption.

1 (2) The plan, or amendments to the plan, submitted to the  
2 department pursuant to paragraph (1) shall be submitted  
3 electronically and shall include any standardized forms, tables, or  
4 displays specified by the department.

5 (b) If an urban water supplier revises its water shortage  
6 contingency plan, the supplier shall submit to the department a  
7 copy of its water shortage contingency plan prepared pursuant to  
8 subdivision (a) of Section 10632 no later than 30 days after  
9 adoption, in accordance with protocols for submission and using  
10 electronic reporting tools developed by the department.

11 (c) (1) (A) Notwithstanding Section 10231.5 of the Government  
12 Code, the department shall prepare and submit to the Legislature,  
13 on or before July 1, in the years ending in seven and two, a report  
14 summarizing the status of the plans and water shortage contingency  
15 plans adopted pursuant to this part. The report prepared by the  
16 department shall identify the exemplary elements of the individual  
17 plans and water shortage contingency plans. The department shall  
18 provide a copy of the report to each urban water supplier that has  
19 submitted its plan and water shortage contingency plan to the  
20 department. The department shall also prepare reports and provide  
21 data for any legislative hearings designed to consider the  
22 effectiveness of plans and water shortage contingency plans  
23 submitted pursuant to this part.

24 (B) The department shall prepare and submit to the board, on  
25 or before September 30 of each year, a report summarizing the  
26 submitted water supply and demand assessment results along with  
27 appropriate reported water shortage conditions and the regional  
28 and statewide analysis of water supply conditions developed by  
29 the department. As part of the report, the department shall provide  
30 a summary and, as appropriate, urban water supplier specific  
31 information regarding various shortage response actions  
32 implemented as a result of annual supplier-specific water supply  
33 and demand assessments performed pursuant to Section 10632.1.

34 (C) The department shall submit the report to the Legislature  
35 for the 2015 plans by July 1, 2017, and the report to the Legislature  
36 for the 2020 plans and water shortage contingency plans by July  
37 1, 2022.

38 (2) A report to be submitted pursuant to subparagraph (A) of  
39 paragraph (1) shall be submitted in compliance with Section 9795  
40 of the Government Code.

1 (d) The department shall make available to the public the  
2 standard the department will use to identify exemplary water  
3 demand management measures.

4 ~~SEC. 37.~~

5 *SEC. 36.* Section 10645 of the Water Code is amended to read:

6 10645. (a) Not later than 30 days after filing a copy of its plan  
7 with the department, the urban water supplier and the department  
8 shall make the plan available for public review during normal  
9 business hours.

10 (b) Not later than 30 days after filing a copy of its water shortage  
11 contingency plan with the department, the urban water supplier  
12 and the department shall make the plan available for public review  
13 during normal business hours.

14 ~~SEC. 38.~~

15 *SEC. 37.* Section 10650 of the Water Code is amended to read:

16 10650. Any actions or proceedings, other than actions by the  
17 board, to attack, review, set aside, void, or annul the acts or  
18 decisions of an urban water supplier on the grounds of  
19 noncompliance with this part shall be commenced as follows:

20 (a) An action or proceeding alleging failure to adopt a plan or  
21 a water shortage contingency plan shall be commenced within 18  
22 months after that adoption is required by this part.

23 (b) Any action or proceeding alleging that a plan or water  
24 shortage contingency plan, or action taken pursuant to either, does  
25 not comply with this part shall be commenced within 90 days after  
26 filing of the plan or water shortage contingency plan or an  
27 amendment to either pursuant to Section 10644 or the taking of  
28 that action.

29 ~~SEC. 39.~~

30 *SEC. 38.* Section 10651 of the Water Code is amended to read:

31 10651. In any action or proceeding to attack, review, set aside,  
32 void, or annul a plan or a water shortage contingency plan, or an  
33 action taken pursuant to either by an urban water supplier on the  
34 grounds of noncompliance with this part, the inquiry shall extend  
35 only to whether there was a prejudicial abuse of discretion. Abuse  
36 of discretion is established if the supplier has not proceeded in a  
37 manner required by law or if the action by the water supplier is  
38 not supported by substantial evidence.

39 ~~SEC. 40.~~

40 *SEC. 39.* Section 10653 of the Water Code is amended to read:



1 10653. The adoption of a plan shall satisfy any requirements  
2 of state law, regulation, or order, including those of the board and  
3 the Public Utilities Commission, for the preparation of water  
4 management plans, water shortage contingency plans, or  
5 conservation plans; provided, that if the board or the Public Utilities  
6 Commission requires additional information concerning water  
7 conservation, drought response measures, or financial conditions  
8 to implement its existing authority, nothing in this part shall be  
9 deemed to limit the board or the commission in obtaining that  
10 information. The requirements of this part shall be satisfied by any  
11 urban water demand management plan that complies with  
12 analogous federal laws or regulations after the effective date of  
13 this part, and which substantially meets the requirements of this  
14 part, or by any existing urban water management plan which  
15 includes the contents of a plan required under this part.

16 ~~SEC. 41.~~

17 *SEC. 40.* Section 10654 of the Water Code is amended to read:

18 10654. An urban water supplier may recover in its rates the  
19 costs incurred in preparing its urban water management plan and  
20 its water shortage contingency plan and implementing the  
21 reasonable water conservation measures included in either.

22 ~~SEC. 42.~~

23 *SEC. 41.* Section 10656 of the Water Code is amended to read:

24 10656. An urban water supplier is not eligible for a water grant  
25 or loan awarded or administered by the state unless the urban water  
26 supplier complies with this part.

27 ~~SEC. 43.~~

28 *SEC. 42.* Section 10657 is added to the Water Code, to read:

29 10657. The department may adopt regulations regarding the  
30 definitions of water, water use, and reporting periods, and may  
31 adopt any other regulations deemed necessary or desirable to  
32 implement this part. In developing regulations pursuant to this  
33 section, the department shall solicit broad public participation from  
34 stakeholders and other interested persons.

35 ~~SEC. 44.~~

36 *SEC. 43.* Section 10801 of the Water Code is amended to read:

37 10801. The Legislature finds and declares all of the following:

38 (a) The waters of the state are a limited and renewable resource.

39 (b) The California Constitution requires that water in the state  
40 be used in a reasonable and beneficial manner.

1 (c) The efficient use of agricultural water supplies is of great  
2 statewide concern.

3 (d) There is a great amount of reuse of delivered water, both  
4 inside and outside the water service areas of agricultural water  
5 suppliers.

6 (e) Significant noncrop beneficial uses are associated with  
7 agricultural water use, including the preservation and enhancement  
8 of fish and wildlife resources.

9 (f) Significant opportunities exist in some areas, through  
10 improved irrigation water management, to conserve water or to  
11 reduce the quantity of highly saline or toxic drainage water.

12 (g) Changes in water management practices should be carefully  
13 planned and implemented to minimize adverse effects on other  
14 beneficial uses currently being served.

15 (h) Agricultural water suppliers that receive water from the  
16 federal Central Valley Project are required by federal law to prepare  
17 and implement water conservation plans.

18 (i) Agricultural water users applying for a permit to appropriate  
19 water from the board are required to prepare and implement water  
20 conservation plans.

21 ~~SEC. 45.~~

22 *SEC. 44.* Section 10802 of the Water Code is amended to read:  
23 10802. The Legislature finds and declares that all of the  
24 following are the policies of the state:

25 (a) The efficient use of water shall be pursued actively to protect  
26 both the people of the state and the state's water resources.

27 (b) The efficient use of agricultural water supplies shall be an  
28 important criterion in public decisions with regard to water.

29 (c) Agricultural water suppliers shall be required to prepare  
30 water management plans to achieve greater efficiency in the use  
31 of water.

32 ~~SEC. 46.~~

33 *SEC. 45.* Section 10814 of the Water Code is amended to read:  
34 10814. "Person" has the same meaning as defined in Section  
35 10614.

36 ~~SEC. 47.~~

37 *SEC. 46.* Section 10817 of the Water Code is amended to read:  
38 10817. "Water use efficiency" means the efficient management

39 of water resources for beneficial uses, preventing waste, or  
40 accomplishing additional benefits with the same amount of water.

1     ~~SEC. 48.~~

2     *SEC. 47.* Section 10820 of the Water Code is amended to read:

3     10820. (a) (1) Except as provided in paragraph (2), an  
4     agricultural water supplier shall prepare and adopt an agricultural  
5     water management plan in the manner set forth in this chapter on  
6     or before December 31, 2012, and shall update that plan on  
7     December 31, 2015.

8     (2) (A) The agricultural water management plan shall be  
9     updated on or before April 1, 2021, and thereafter on or before  
10    April 1 in the years ending in six and one. The plan shall satisfy  
11    the requirements of Section 10826.

12    (B) An agricultural water supplier shall submit its plan to the  
13    department no later than 30 days after the adoption of the plan.  
14    The plan shall be submitted electronically and shall include any  
15    standardized forms, tables, or displays specified by the department.

16    (b) (1) The department shall review each plan that is due  
17    pursuant to paragraph (2) of subdivision (a). The department may  
18    coordinate its review with the Department of Food and Agriculture  
19    and the board.

20    (2) The department shall notify an agricultural water supplier  
21    that it is not in compliance with this part if the department  
22    determines that actions are required to comply with the  
23    requirements of this part or if a supplier fails to update a plan as  
24    provided in paragraph (2) of subdivision (a). The department shall  
25    identify the specific deficiencies and the supplier shall have 120  
26    days to remedy an identified deficiency. The department may  
27    provide additional time to remedy a deficiency if it finds that a  
28    supplier is making substantial progress toward remedying the  
29    deficiency. An agricultural water supplier that fails to submit  
30    corrective actions or a completed plan shall not be in compliance  
31    with this part.

32    (3) If the department has not received a plan or the department  
33    has determined that the plan submitted does not comply with the  
34    requirements of this part, and a revised plan has not been submitted,  
35    the department may undertake the following actions:

36    (A) Contract with a state academic institution or qualified entity  
37    to prepare or complete an agricultural water management plan on  
38    behalf of the supplier. The costs and expenses related to preparation  
39    or completion of a plan, including the costs of the contract and

1 contract administration, shall be recoverable by the department  
2 from the supplier.

3 (B) If a supplier does not provide data necessary for the  
4 preparation or completion of a plan to the department or the  
5 contracting entity as determined by the department in accordance  
6 with subparagraph (A), the department may assess a fine of one  
7 thousand dollars (\$1,000) per day, not to exceed twenty-five  
8 thousand dollars (\$25,000), until data is made available.

9 (4) (A) A plan prepared or completed pursuant to paragraph  
10 (3) shall be deemed the adopted plan for the supplier.

11 (B) Any action to challenge or invalidate the adequacy of the  
12 plan prepared or completed pursuant to paragraph (3) shall be  
13 brought against the supplier for whom the plan was prepared.

14 (c) Every supplier that becomes an agricultural water supplier  
15 after December 31, 2012, shall prepare and adopt an agricultural  
16 water management plan within one year after the date it has become  
17 an agricultural water supplier.

18 (d) A water supplier that indirectly provides water to customers  
19 for agricultural purposes shall not prepare a plan pursuant to this  
20 part without the consent of each agricultural water supplier that  
21 directly provides that water to its customers.

22 ~~SEC. 49.~~

23 *SEC. 48.* Section 10825 of the Water Code is amended to read:

24 10825. (a) It is the intent of the Legislature in enacting this  
25 part to allow levels of water management planning commensurate  
26 with the numbers of customers served and the volume of water  
27 supplied.

28 (b) This part does not require the implementation of water use  
29 efficiency programs or practices that are not locally cost effective.

30 ~~SEC. 50.~~

31 *SEC. 49.* Section 10826 of the Water Code is amended to read:

32 10826. An agricultural water management plan shall be adopted  
33 in accordance with this chapter. The plan shall do all of the  
34 following:

35 (a) Describe the agricultural water supplier and the service area,  
36 including all of the following:

37 (1) Size of the service area.

38 (2) Location of the service area and its water management  
39 facilities.

40 (3) Terrain and soils.

- 1 (4) Climate.
- 2 (5) Operating rules and regulations.
- 3 (6) Water delivery measurements or calculations.
- 4 (7) Water rate schedules and billing.
- 5 (8) Water shortage allocation policies.
- 6 (b) Describe the quantity and quality of water resources of the
- 7 agricultural water supplier, including all of the following:
- 8 (1) Surface water supply.
- 9 (2) Groundwater supply.
- 10 (3) Other water supplies, including recycled water.
- 11 (4) Source water quality monitoring practices.
- 12 (5) Water uses within the agricultural water supplier's service
- 13 area, including all of the following:
- 14 (A) Agricultural.
- 15 (B) Environmental.
- 16 (C) Recreational.
- 17 (D) Municipal and industrial.
- 18 (E) Groundwater recharge, including estimated flows from deep
- 19 percolation from irrigation and seepage.
- 20 (c) Include an annual water budget based on the quantification
- 21 of all inflow and outflow components for the service area of the
- 22 agricultural water supplier. Components of inflow shall include
- 23 surface inflow, groundwater pumping in the service area, and
- 24 effective precipitation. Components of outflow shall include surface
- 25 outflow, deep percolation, and evapotranspiration. An agricultural
- 26 water supplier shall report the annual water budget on a water-year
- 27 basis. The department shall provide tools and resources to assist
- 28 agricultural water suppliers in developing and quantifying
- 29 components necessary to develop a water budget.
- 30 (d) Include an analysis, based on available information, of the
- 31 effect of climate change on future water supplies.
- 32 (e) Describe previous water management activities.
- 33 (f) Identify water management objectives based on the water
- 34 budget to improve water system efficiency or to meet other water
- 35 management objectives. The agricultural water supplier shall
- 36 identify, prioritize, and implement actions to reduce water loss,
- 37 improve water system management, and meet other water
- 38 management objectives identified in the plan.
- 39 (g) Include in the plan information regarding efficient water
- 40 management practices required pursuant to Section 10608.48.

(h) Quantify the efficiency of agricultural water use within the service area of the agricultural water supplier using the appropriate method or methods from among the four water use efficiency quantification methods developed by the department in the May 8, 2012, report to the Legislature entitled “A Proposed Methodology for Quantifying the Efficiency of Agricultural Water Use.” The agricultural water supplier shall account for all water uses, including crop water use, agronomic water use, environmental water use, and recoverable surface flows.

~~SEC. 51.~~

*SEC. 50.* Section 10826.2 is added to the Water Code, to read:

10826.2. As part of its agricultural water management plan, each agricultural water supplier shall develop a drought plan for periods of limited water supply describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions. The drought plan shall contain both of the following:

(a) Resilience planning, including all of the following:

(1) Data, indicators, and information needed to determine the water supply availability and levels of drought severity.

(2) Analyses and identification of potential vulnerability to drought.

(3) A description of the opportunities and constraints for improving drought resilience planning, including all of the following:

(A) The availability of new technology or information.

(B) The ability of the agricultural water supplier to obtain or use additional water supplies during drought conditions.

(C) A description of other actions planned for implementation to improve drought resilience.

(b) Drought response planning, including all of the following:

(1) Policies and a process for declaring a water shortage and for implementing water shortage allocations and related response actions.

(2) Methods and procedures for the enforcement or appeal of, or exemption from, triggered shortage response actions.

(3) Methods and procedures for monitoring and evaluation of the effectiveness of the drought plan.

1 (4) Communication protocols and procedures to inform and  
2 coordinate customers, the public, interested parties, and local,  
3 regional, and state government.

4 (5) A description of the potential impacts on the revenues,  
5 financial condition, and planned expenditures of the agricultural  
6 water supplier during drought conditions that reduce water  
7 allocations, and proposed measures to overcome those impacts,  
8 including reserve-level policies.

9 ~~SEC. 52.~~

10 *SEC. 51.* Section 10843 of the Water Code is amended to read:

11 10843. (a) An agricultural water supplier shall submit to the  
12 entities identified in subdivision (b) a copy of its plan no later than  
13 30 days after review of the plan pursuant to subdivision (b) of  
14 Section 10820.

15 (b) An agricultural water supplier shall submit a copy of its plan  
16 to each of the following entities:

17 (1) The department.

18 (2) Any city, county, or city and county within which the  
19 agricultural water supplier provides water supplies.

20 (3) Any groundwater management entity within which  
21 jurisdiction the agricultural water supplier extracts or provides  
22 water supplies.

23 (4) The California State Library.

24 ~~SEC. 53.~~

25 *SEC. 52.* Section 10845 of the Water Code is amended to read:

26 10845. (a) The department shall prepare and submit to the  
27 Legislature, on or before April 30, 2022, and thereafter in the years  
28 ending in seven and years ending in two, a report summarizing the  
29 status of the plans adopted pursuant to this part.

30 (b) The report prepared by the department shall identify the  
31 outstanding elements of any plan adopted pursuant to this part.  
32 The report shall include an evaluation of the effectiveness of this  
33 part in promoting efficient agricultural water management practices  
34 and recommendations relating to proposed changes to this part, as  
35 appropriate.

36 (c) The department shall provide a copy of the report to each  
37 agricultural water supplier that has submitted its plan to the  
38 department. The department shall also prepare reports and provide  
39 data for any legislative hearing designed to consider the  
40 effectiveness of plans submitted pursuant to this part.

(d) This section does not authorize the department, in preparing the report, to approve, disapprove, or critique individual plans submitted pursuant to this part.

~~SEC. 54.~~

*SEC. 53.* Section 10910 of the Water Code is amended to read:

10910. (a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.

(b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system whose service area includes the project site and any water system adjacent to the project site that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined in Section 10912, that may supply water for the project. If the city or county is not able to identify any public water system that may supply water for the project, the city or county shall prepare the water assessment required by this part after consulting with any entity serving domestic water supplies whose service area includes the project site, the local agency formation commission, and any public water system adjacent to the project site.

(c) (1) The city or county, at the time it makes the determination required under Section 21080.1 of the Public Resources Code, shall request each public water system identified pursuant to subdivision (b) to determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610).

(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g).



1 (3) If the projected water demand associated with the proposed  
2 project was not accounted for in the most recently adopted urban  
3 water management plan, or the public water system has no urban  
4 water management plan, the water supply assessment for the project  
5 shall include a discussion with regard to whether the public water  
6 system's total projected water supplies available during normal,  
7 single dry, and multiple dry water years during a 20-year projection  
8 will meet the projected water demand associated with the proposed  
9 project, in addition to the public water system's existing and  
10 planned future uses, including agricultural and manufacturing uses.

11 (4) If the city or county is required to comply with this part  
12 pursuant to subdivision (b), the water supply assessment for the  
13 project shall include a discussion with regard to whether the total  
14 projected water supplies, determined to be available by the city or  
15 county for the project during normal, single dry, and multiple dry  
16 water years during a 20-year projection, will meet the projected  
17 water demand associated with the proposed project, in addition to  
18 existing and planned future uses, including agricultural and  
19 manufacturing uses.

20 (d) (1) The assessment required by this section shall include  
21 an identification of any existing water supply entitlements, water  
22 rights, or water service contracts relevant to the identified water  
23 supply for the proposed project, and a description of the quantities  
24 of water received in prior years by the public water system, or the  
25 city or county if either is required to comply with this part pursuant  
26 to subdivision (b), under the existing water supply entitlements,  
27 water rights, or water service contracts.

28 (2) An identification of existing water supply entitlements, water  
29 rights, or water service contracts held by the public water system,  
30 or the city or county if either is required to comply with this part  
31 pursuant to subdivision (b), shall be demonstrated by providing  
32 information related to all of the following:

33 (A) Written contracts or other proof of entitlement to an  
34 identified water supply.

35 (B) Copies of a capital outlay program for financing the delivery  
36 of a water supply that has been adopted by the public water system.

37 (C) Federal, state, and local permits for construction of necessary  
38 infrastructure associated with delivering the water supply.

39 (D) Any necessary regulatory approvals that are required in  
40 order to be able to convey or deliver the water supply.

(e) If no water has been received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall also include in its water supply assessment pursuant to subdivision (c), an identification of the other public water systems or water service contractholders that receive a water supply or have existing water supply entitlements, water rights, or water service contracts, to the same source of water as the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has identified as a source of water supply within its water supply assessments.

(f) If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment:

(1) A review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.

(2) (A) A description of any groundwater basin or basins from which the proposed project will be supplied.

(B) For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the order or decree.

(C) For a basin that has not been adjudicated that is a basin designated as high- or medium-priority pursuant to Section 10722.4, information regarding the following:

(i) Whether the department has identified the basin as being subject to critical conditions of overdraft pursuant to Section 12924.

(ii) If a groundwater sustainability agency has adopted a groundwater sustainability plan or has an approved alternative, a copy of that alternative or plan.

(D) For a basin that has not been adjudicated that is a basin designated as low- or very low priority pursuant to Section 10722.4, information as to whether the department has identified the basin

1 or basins as overdrafted or has projected that the basin will become  
2 overdrafted if present management conditions continue, in the  
3 most current bulletin of the department that characterizes the  
4 condition of the groundwater basin, and a detailed description by  
5 the public water system, or the city or county if either is required  
6 to comply with this part pursuant to subdivision (b), of the efforts  
7 being undertaken in the basin or basins to eliminate the long-term  
8 overdraft condition.

9 (3) A detailed description and analysis of the amount and  
10 location of groundwater pumped by the public water system, or  
11 the city or county if either is required to comply with this part  
12 pursuant to subdivision (b), for the past five years from any  
13 groundwater basin from which the proposed project will be  
14 supplied. The description and analysis shall be based on  
15 information that is reasonably available, including, but not limited  
16 to, historic use records.

17 (4) A detailed description and analysis of the amount and  
18 location of groundwater that is projected to be pumped by the  
19 public water system, or the city or county if either is required to  
20 comply with this part pursuant to subdivision (b), from any basin  
21 from which the proposed project will be supplied. The description  
22 and analysis shall be based on information that is reasonably  
23 available, including, but not limited to, historic use records.

24 (5) An analysis of the sufficiency of the groundwater from the  
25 basin or basins from which the proposed project will be supplied  
26 to meet the projected water demand associated with the proposed  
27 project. A water supply assessment shall not be required to include  
28 the information required by this paragraph if the public water  
29 system determines, as part of the review required by paragraph  
30 (1), that the sufficiency of groundwater necessary to meet the initial  
31 and projected water demand associated with the project was  
32 addressed in the description and analysis required by subparagraph  
33 (D) of paragraph (4) of subdivision (b) of Section 10631.

34 (g) (1) Subject to paragraph (2), the governing body of each  
35 public water system shall submit the assessment to the city or  
36 county not later than 90 days from the date on which the request  
37 was received. The governing body of each public water system,  
38 or the city or county if either is required to comply with this act  
39 pursuant to subdivision (b), shall approve the assessment prepared  
40 pursuant to this section at a regular or special meeting.

1 (2) Prior to the expiration of the 90-day period, if the public  
2 water system intends to request an extension of time to prepare  
3 and adopt the assessment, the public water system shall meet with  
4 the city or county to request an extension of time, which shall not  
5 exceed 30 days, to prepare and adopt the assessment.

6 (3) If the public water system fails to request an extension of  
7 time, or fails to submit the assessment notwithstanding the  
8 extension of time granted pursuant to paragraph (2), the city or  
9 county may seek a writ of mandamus to compel the governing  
10 body of the public water system to comply with the requirements  
11 of this part relating to the submission of the water supply  
12 assessment.

13 (h) Notwithstanding any other provision of this part, if a project  
14 has been the subject of a water supply assessment that complies  
15 with the requirements of this part, no additional water supply  
16 assessment shall be required for subsequent projects that were part  
17 of a larger project for which a water supply assessment was  
18 completed and that has complied with the requirements of this part  
19 and for which the public water system, or the city or county if  
20 either is required to comply with this part pursuant to subdivision  
21 (b), has concluded that its water supplies are sufficient to meet the  
22 projected water demand associated with the proposed project, in  
23 addition to the existing and planned future uses, including, but not  
24 limited to, agricultural and industrial uses, unless one or more of  
25 the following changes occurs:

26 (1) Changes in the project that result in a substantial increase  
27 in water demand for the project.

28 (2) Changes in the circumstances or conditions substantially  
29 affecting the ability of the public water system, or the city or county  
30 if either is required to comply with this part pursuant to subdivision  
31 (b), to provide a sufficient supply of water for the project.

32 (3) Significant new information becomes available that was not  
33 known and could not have been known at the time when the  
34 assessment was prepared.

35 (i) For the purposes of this section, hauled water is not  
36 considered as a source of water.

**DESERT WATER AGENCY  
MEDIA INFORMATION  
AUGUST 2017**

<b>DATE</b>	<b>PACKET PAGE</b>	<b>MEDIA SOURCE</b>	<b>ARTICLE</b>
07/29/17	1-4	THE DESERT SUN	How Pure Is Tap Water
07/29/17	5-6	LOS ANGELES TIMES	There's Light At The End Of The Delta Tunnels, So What's Next For California Water Policy?
07/29/17	7	LOS ANGELES TIMES	93 California Dams Need Reassessment Before Next Flood Season, State Agency Says
08/03/17	8-10	THE DESERT SUN	Cadiz Pipeline Hits A Wall
08/04/17	11-12	LOS ANGELES TIMES	Legislature, Don't Mess With California's Water Umpire
08/06/17	13-17	THE DESERT SUN	Tribe's Leader Makes Water Treatment A Priority
08/08/17	18-19	THE DESERT SUN	10 States Back California Agencies In Fight With Tribe Over Groundwater
08/09/17	20	PRESS ENTERPRISE	Flood Waters From Water Main Break Helped Replenish Temecula Groundwater Supply
08/13/17	21-22	THE FRESNO BEE	Temperance Flat Dam Investment Will Pay Off For California
08/14/17	23	CHICOER NEWS	Sites Reservoir Backers Ask For Water Bond Money
08/14/17	24-25	YUBA NET.COM	Public Meetings Announced For Sites Dam Project And To Submit Comments On Draft Environmental Documents
08/14/17	26-27	THE MERCURY NEWS	East Bay Reservoir Expansion Plan Wins Support Of Environmental Groups
08/14/17	28	KRCR NEWS CH 7	Sites Reservoir Takes Major Step Forward

DATE	PACKET PAGE	MEDIA SOURCE	ARTICLE
08/14/17	29	CAPITAL PUBLIC RADIO	Sites Reservoir Supporters Want \$1.6 Billion From Water Bond
08/15/17	30-32	NEWS DEEPLY WATER DEEPLY	Agreements In Place To Fund Largest California Reservoir Proposal
08/15/17	33-34	PORTERVILLE RECORDER	Funds Sought For Temperance Dam Project
08/15/17	35-36	MAVEN'S NOTEBOOK	Sites Reservoir, Los Vaqueros Reservoir Expansion, and Temperance Flat Submit Applications For Prop 1 Funding
08/27/17	37-38	PRESS ENTERPRISE	Bill Aims To Tax Drinking Water
08/27/17	39-40	PRESS ENTERPRISE	Water Meters Worth Watching
09/31/17	41	THE DESERT SUN	Viewpoint: New Water Tax Wrong Way To Fund Clean Water For All



## How pure is tap water?

### *Database notes contaminants*

**Ian James, July 29, 2017**

Ever wondered what's in your tap water? Water districts in the Coachella Valley are among the thousands of water suppliers nationwide appearing in a new drinking water database released by the Environmental Working Group this week.

The Washington-based nonprofit collected data on local water tests from state agencies and the federal Environmental Protection Agency, and said 267 contaminants were detected in drinking water supplies across the country, including 93 linked to increased risks of cancer, such as benzene, 1,4-dioxane and nitrates.

For many cities across California, from Los Angeles to San Francisco, the database lists carcinogens in the drinking water such as hexavalent chromium and trihalomethanes at levels within legal limits but exceeding EWG's own "health guidelines."

In addition to comparing the levels of contaminants to the legal limits, EWG's researchers compiled health guidelines that are more stringent than state and federal water standards, drawing on goals set by various government agencies as well as benchmarks the group developed on its own based on scientific studies.

In the Coachella Valley, the area's six main water utilities all have tap water that meets federal drinking water standards. But the database shows that all of the utilities have some contaminants in their water at levels surpassing EWG's guidelines.

For the Coachella Valley Water District, the area's largest water supplier, the database shows various contaminants exceeding EWG's health goals, among them the pesticide DBCP, arsenic, hexavalent chromium (or chromium-6), vanadium, radiological contaminants such as radium-228 and uranium, and trihalomethanes, a group of chemical byproducts that form when water is treated with chlorine and other disinfectants.

Steve Bigley, CVWD's environmental services director, pointed out that the Environmental Working Group based its guidelines on risk assessments, which typically are calculated using studies in which lab animals are exposed to high doses of contaminants. By contrast, he said, the state and federal drinking water standards that CVWD complies with are set by regulators at levels intended to protect public health while also being "technically and economically feasible to achieve."

"Drinking water standards in California are equivalent to or more protective than national drinking water standards that are established by EPA," Bigley said. "CVWD customers do not need to purchase water filters or be concerned about the safety of their drinking water."

While most Americans' tap water meets federal and state health standards, the Environmental Working Group says many chemicals and other contaminants are found at levels that may pose health risks.

"We're really highlighting that there's more that goes into a legal limit than just health considerations," said David Andrews, a senior scientist at the nonprofit. "The legal limit is a negotiation in some ways between what the limit would be if you just considered health impacts, and then there's also economic and political

considerations that go into setting a legal limit. Oftentimes there's a lot of lobbying on behalf of industries that may be impacted."

EWG has long advocated for stricter drinking water standards, and has released similar information in previous years. The group discourages the consumption of bottled water and suggests people consider buying household water filters to reduce the levels of contaminants in their drinking water.

All five of the valley's other main water agencies also had levels of chromium-6 and radiological contaminants exceeding EWG's health guidelines. Like CVWD, Desert Water Agency and Mission Springs Water District had levels of trihalomethanes above the group's health guidelines but lower than the state and nationwide averages.

The water agencies strongly criticized EWG's methods and presentation of the data, accusing it of unduly raising concerns about drinking water that is regularly tested and deemed safe by regulators.

The Environmental Working Group's Tap Water Database is searchable by zip code and water utility, and includes data for nearly 49,000 water suppliers nationwide. The database shows water quality tests carried out by each water utility and submitted to California regulators, and also includes information from an EPA enforcement and compliance database.

The group cited that EPA database as saying Desert Water Agency was, as of earlier this year, "in violation of monitoring for contaminants or reporting monitoring tests to state agencies."

But DWA disputed that, saying the issue dates to a "monitoring deficiency" notice from 2013 when the agency didn't collect water samples as required during a certain timeframe and that the state later incorrectly logged the notice as a "violation."

Mark Krause, DWA's general manager, said it was "reckless and irresponsible" for the group to publish erroneous information.

"Our state regulators confirmed they know of no reason that we would be reported as out of compliance," Krause said in an emailed statement.

"We conduct thousands of tests on our water each year to make sure it meets all state and federal drinking water standards," Krause said. "California has some of the strictest drinking water standards in the nation and world."

Mission Springs Water District in Desert Hot Springs also criticized the advocacy group's methods, saying neither the district nor state health authorities recognize EWG's "health guidelines" as credible standards for assessing drinking water.

Mission Springs, like other water agencies, is required to publish an annual water quality report, which it sends to customers. The results show the water quality meets or surpasses all state and federal standards. "The bottom line is that the public water system is safe. It's highly regulated. It's more tightly regulated than bottled water," said John Soulliere, the district's conservation and public affairs officer.

He said the group's database incorrectly stated the district was in violation earlier this year for its "monitoring for contaminants or reporting monitoring tests to state agencies," and that the agency's only error had been failing to take a nitrate sample in the fourth quarter of 2015.

Soulliere said later samples showed nitrates ranging from "non-detected" levels to well below the drinking water limit.



Soulliere also said it's questionable that EWG's website is riddled with pages promoting water filters.

"When you fear-monger about water quality... and then you sell filters, something doesn't smell right," Soulliere said in an interview. In emailed statement, he said EWG seems to be trying to "create fear to further its advocacy goals and to raise revenue."

Monica Amarelo, EWG's communications director, said producing the database, which required the work of more than 20 people over two years, wasn't done to make money but as a public service. She said the organization isn't affiliated with any water filter companies.

### **Levels of chromium-6**

One of the contaminants that pops up regularly in the EWG database is chromium-6, a heavy metal that has been on California regulators' to-do list for years.

The potential dangers of the carcinogen were highlighted in the 1990s by a court case brought by then-legal clerk Erin Brockovich against Pacific Gas & Electric Company, claiming groundwater contamination in the Mojave Desert town of Hinkley. After the case gained attention through the 2000 film "Erin Brockovich," the California Legislature in 2001 passed a law instructing public health agencies to develop a drinking water standard for chromium-6.

California's Office of Environmental Health Hazard Assessment in 2011 established a "public health goal" for chromium-6 of 0.02 parts per billion — a level that researchers estimated as posing a "one-in-one-million" risk for developing cancer if people consumed two liters of the water per day for a 70-year lifetime. That risk assessment was calculated based on studies in laboratory animals.

State regulators adopted a standard for chromium-6 in 2014, setting a limit of 10 parts per billion. Water agencies were given until 2020 to comply.

But in May, a court ordered California to rescind that standard, ruling state officials had failed to properly consider the "economic feasibility" of complying. The State Water Resources Control Board will consider scrapping the chromium-6 regulation next week. The court also ordered the board to adopt a new limit for chromium-6.

In large portions of the aquifer beneath the Coachella Valley, the groundwater that's pumped from wells and flows to taps has levels of chromium-6 above the limit set in 2014, and it's not clear how many wells might require treatment once state regulators set a new limit.

Water agencies say the heavy metal occurs naturally in the California desert, dissolving from rocks into the groundwater. Chromium-6 can also be released into the environment as pollution from sources such as cooling towers and industrial plants.

The Coachella Valley Water District is trying out a treatment method that involves using tin in the form of the chemical stannous chloride, which is added to the water pumped from wells and reduces the levels of chromium-6.

Bigley said the method has been tested and approved. In late August, CVWD plans to start a six-week demonstration, treating the water of about 1,500 customers in Sky Valley, Indio Hills and parts of Desert Hot Springs. The plan is to expand treatment to other wells later on.

Other examples of contaminants listed in EWG's database — but at minute concentrations below its health guidelines — include the industrial solvent 1,4-dioxane and the dry-cleaning chemical tetrachloroethylene. Both were detected in CVWD's water at levels below the statewide average.

## Small drinking water systems

The database also highlights the longstanding problem of contaminated drinking water in the Coachella Valley's small drinking water systems, many of which supply trailer parks where impoverished farm workers live. It lists the contaminants found in the water of 18 small water systems, each of which provides water for between 25 and several hundred people.

Oasis Gardens Water Company, which serves more than 300 people in Coachella, had arsenic in its water over the legal limit in 2015, according to the database.

St. Anthony's Trailer Park in Mecca, which supplies about 300 people, was also in violation of federal drinking water standards, the database says. Arsenic was detected above the legal limit consistently from 2012 through 2015, the latest year listed in the data.

Some of the valley's small water suppliers — such as Amezcua-Garcia Water in Thermal; Palm Springs Crest and West Palm Springs Village in Desert Hot Springs; and Stone Creek Water Company in Palm Desert — were cited for violations relating to monitoring for contaminants or reporting monitoring tests to agencies from January to March 2017, the latest period assessed by the EPA.

In addition to providing a tool for people to examine their tap water, the Environmental Working Group says it compiled the data to help make its case for stronger drinking water regulations.

The main federal law that regulates drinking water is the Safe Drinking Water Act, which was enacted in 1974.

Andrews said he and his colleagues at EWG are concerned that in the more than two decades since amendments to the act were passed in 1996, the EPA has failed to set a new drinking water standard for a single additional contaminant.

"We've learned a significant amount about new contaminants that are occurring in drinking water across the country and what health impacts they may be having," Andrews said. "So we would like to clear the logjam in Washington also and have an agency that can set truly health-protective standards across the country."

*Desert Sun Data Investigations Editor Jill Castellano contributed to this story.*

# Los Angeles Times

## There's light at the end of the Delta tunnels, so what's next for California water policy?

William Kahrl, July 29, 2017

Deciding how to give people water to drink and grow food — and to do so without damaging the state's economy or the environment — shouldn't have been this hard. For the last dozen years and more, California has been entangled in heated debate over updating the state's water system. But now we're closing in on a resolution to that question. That, in turn, opens the way to considering future water policy in a very different political landscape.

The state's WaterFix plan — the focus of contention — proposes to secure drinking water supplies for 25 million people in Southern California and the Bay Area, and enable farmers to continue providing fresh produce to the rest of the country and the world. To do so, it would replumb the Sacramento-San Joaquin River Delta with two 35-mile-long tunnels that would serve the dual purpose of protecting the Delta's life-giving wetlands while assuring more reliable water supplies, despite the worsening effects of climate change.

Late last month, two federal fisheries agencies, after reviewing more than 40,000 pages of environmental analysis, concluded the new “conveyance” wouldn't “deepen any harm” to the Delta's endangered species and habitat. As the state Department of Water Resources said, that's a “momentous step” forward.

To be sure, it will be years before construction gets under way. State and federal regulatory agencies overseeing the effects of the new delivery system could impose so many restrictions that some communities may not be able to afford the water. And the project's opponents, who once touted the federal regulators as the experts who would stop WaterFix cold, are not going away. They've already filed suit denouncing the fishery agencies' biological analysis as arbitrary, capricious and illegal.

Nonetheless, the recent progress on WaterFix is real, and its implementation would enable California to look beyond basic supply issues.

For example, policymakers today often echo the United Nations' assertion that people have a right to water. But in practice such access is treated only as a goal. Which is it? If access to water is a right — and it should be — then it must be enforceable. Making it so would initiate a revolution in how we think about and address our needs throughout the state.

For example, many small, isolated communities up and down the state currently lack clean water, and WaterFix won't solve that. In a state as sophisticated as California, with its natural and financial resources, this is obscene. But with an enforceable right to water in place, those communities would gain an important leg up in the competition for water.

Such a right might also help to shed some light into the regulatory black box of internal committees and bureaucratic task forces where many of our most important water management decisions are made, often without public oversight.

Opening the decision-making process could help us avoid the familiar, unproductive rhetorical flourishes about “fish versus people.” More important, giving more than lip service to a right to water can help us do a better job of balancing the equities for all concerned.

On another front, if WaterFix, which has been propelled by Gov. Jerry Brown, succeeds in meeting our supply needs, future governors will be able to take a broader view of all the dimensions of water's importance to our lives — food production, energy, recreation, resource protection, sustainable use and residential and industrial development.

It could even allow us to ask new questions about how we pay for water. Currently, the revenues we generate for water, through rates and fees, taxes and bond sales are allocated among public water agencies, tribal governments and nonprofit organizations that serve the public interest in water education, environmental issues and consumer protection. At the same time, we emphasize the importance of funding individual water-related projects on the basis of their efficiency. But again, which is it? The missions of the conventional triumvirate of service providers were defined in the last century. None of these entities are noted for their efficiency. And all need more meaningful incentives to improve.

The state is home to Silicon Valley, a resource of unprecedented innovation, capital and progressive thinking — and yet California has done little to engage its leaders in the creative disruption of water policy. It might enrage environmental, academic and regulatory groups, but why shouldn't Sacramento take a few steps toward encouraging private investment in water, opening the door to selecting our water policy advisors on the basis of what they can deliver rather than their tax status?

We do not have the luxury of thinking of WaterFix as an end in itself. When implemented it will be an important measure of our progress. But it could also offer a welcome way station where we can catch our breath along the way to something even better.

*William Kahrl is the editor of “The California Water Atlas” and author of “Water and Power: The Conflict over Los Angeles Water Supply in the Owens Valley.” He served as one of the many consultants who reviewed WaterFix for California's Natural Resources Agency.*

## 93 California dams need reassessment before next flood season, state agency says

Joseph Serna, July 29, 2017

The state agency tasked with managing the safety of 1,250 dams in California has identified 93 that require a “comprehensive” assessment to be sure they can last through next year’s flood season, officials said.

After the concrete spillway at the Oroville Dam crumbled under heavy use earlier this year, the Division of Safety of Dams decided to review more than 100 dam spillways that were considered vulnerable to similar issues because of their age and capacity and size of the communities they protect, the agency said.

On Thursday, the DSOD released a list of the 93 dams that it concluded need further inspection.

“These assessments may require acquiring additional information to adequately evaluate the spillways’ ability to perform satisfactorily during a flood event,” the agency said. “It will not be known which spillways, if any, will need repairs until the comprehensive assessments are completed and reviewed by DSOD.”

More than a dozen dams in Southern California are on the list, including Pyramid Dam in Castaic, Cogswell Dam near Devil’s Canyon and Puddingstone Dam in San Dimas.

When reservoir levels are high, dam spillways allow the highest volume of water to be released at one time. In dry times, reservoirs can typically manage water levels through adjacent hydroelectric plants or natural evaporation.

In Oroville’s case, the spillway was needed in February to rapidly drain water after heavy rains pushed the reservoir’s water level up to capacity. The main concrete spillway crumbled and led to a cascading set of problems that resulted in a partial failure of the dam’s emergency spillway and more than 100,000 Butte County residents down river being temporarily evacuated.

The DSOD’s call for reassessments comes as state officials are still trying to determine precisely what caused the failures at Oroville Dam. The Oroville Dam was built five decades ago, but officials noted that other dams in the state are much older.

The average age of dams in California is 70 years old, the DSOD said.

The state wants local operators to review each structure’s original design and building materials, its repair history for recurring issues, its drainage system, retaining walls and the geological makeup of its bedrock, among other elements, said Daniel Meyersohn, supervising engineer for the DSOD.

## CADIZ PIPELINE HITS A WALL

Plan to sell Mojave Desert groundwater opposed by L.A. water officials

Ian James, August 3, 2017

The Los Angeles Department of Water and Power is opposing a company's proposal to pump groundwater in the Mojave Desert and sell it to Southern California cities.

The L.A. water utility's board weighed in against the project on Tuesday, recommending to Mayor Eric Garcetti and the City Council that they support a bill in the state Legislature requiring California to review the environmental impacts of the proposal.

"We feel that the risks to the desert don't justify whatever profits or potential jobs might be gained from taking water out of this important desert aquifer," LADWP Board President Mel Levine said after the meeting. He said he brought the matter before the board to point out the project's "very serious risks to every component of the environment in the Mojave Desert."

Cadiz Inc. aims to pump as much as 16.3 billion gallons of groundwater per year on land surrounded by Mojave Trails National Monument about 75 miles northeast of Palm Springs.

Conservation groups say if the company is allowed to draw down the aquifer, it would threaten natural springs and wildlife in the heart of the Mojave Desert.

Cadiz disagrees, saying the project wouldn't harm the environment in any way.

State Assembly member Laura Friedman, D-Glendale, last month introduced a bill that would establish additional requirements for the project to proceed.

The legislation, AB 1000, targets Cadiz by requiring state regulators to review projects that would transfer groundwater away from desert lands in the vicinity of national monuments, national preserves and other protected spaces. The State Lands Commission, working with the California Department of Fish and Wildlife, would be tasked with ensuring that the transfer "will not adversely affect the natural or cultural resources, including groundwater resources or habitat," of protected lands nearby.

The bill was passed by the Senate Natural Resources and Water Committee in a 7-2 vote on July 11. It's slated to go next before the Senate Appropriations Committee, and then on to the full Senate.

Sen. Dianne Feinstein, who has long fought the Cadiz project in Washington, sent a letter to Levine ahead of Tuesday's meeting urging LADWP to support the bill in Sacramento. She said Cadiz's proposal would "irrevocably harm the Mojave Desert."

"The Cadiz water extraction project proposal illustrates why state protections of desert groundwater basins are so critical at this time," Feinstein said in the letter. "Supporting projects like Cadiz is not

supporting smart water infrastructure or sound science. It's putting private profit over public lands that belong to all Californians."

Levine and the other commissioners decided to send a letter to Garcetti and the City Council urging them to support AB 1000. They also agreed to recommend that L.A.'s representatives on the board of the larger Metropolitan Water District of Southern California continue to oppose the Cadiz project.

At their next meeting in two weeks, Levine said the LADWP board will vote on a resolution formalizing their opposition to the project.

Courtney Degener, Cadiz's vice president of communications, said the commissioners' recommendation was made without "fair notice" and without an official briefing by the project's proponents.

"We only learned late yesterday that the Commission would discuss the project and AB1000 and that was via a tweet from an opposition group, not LADWP," Degener said in an emailed statement. "The verbal staff report provided did not accurately inform the Commission of the scientific, engineering, environmental, financial or legal aspects of the project."

"It is disappointing that a public agency would conduct so unfair and biased a process for a project that will safely provide water for 400,000 people," Degener said.

She said that the company hopes to "have an opportunity to properly brief" the LADWP board before its next meeting. "If properly informed we don't believe the City of Los Angeles will support AB 1000 or share the Commission's position."

Degener said Friedman's bill "establishes a terrible precedent for all projects and as a result has already garnered the opposition of more than 50 California organizations."

A list of the bill's opponents includes 18 water agencies and organizations, from the East Orange County Water District to the Mojave Water Agency, as well as the Southern California Association of Governments, cities, business associations and labor groups.

Cadiz owns 34,000 acres in the desert along Route 66 in the Cadiz and Fenner valleys, close to the Mojave National Preserve, and is proposing to build a 43-mile pipeline alongside a railroad line to send the water to Southern California cities.

While pursuing its plan to sell water, the Los Angeles-based company has been running its wells to irrigate nearly 2,000 acres of farmland, growing lemons, grapes, raisins and other crops.

Cadiz's proposal was temporarily stymied during the Obama administration when Interior Department officials said the proposed pipeline wasn't within the rights originally granted to the railroad in 1875 and would require an additional permit.

But that hurdle was apparently removed earlier this year when President Donald Trump's administration announced a related policy change, scrapping guidelines that detail how federal officials are supposed to evaluate uses of public lands alongside railroads.

Opponents of the project have also voiced concerns about the appointment of David Bernhardt as deputy Interior secretary. Bernhardt, who was confirmed by the Senate last month, is a partner and shareholder – along with Cadiz CEO Scott Slater – in the law firm Brownstein Hyatt Farber Schreck LLP, which in turn owns shares in Cadiz.

Levine, an attorney and former Democratic member of Congress from 1983-93, said safeguarding the environment in the California desert has long been important to him. He sponsored desert protection legislation while in the House prior to the 1994 approval of Feinstein's California Desert Protection Act, which turned Joshua Tree and Death Valley national monuments into national parks and created the Mojave National Preserve.

Levine said he had heard about Cadiz's proposal intermittently for many years but didn't think it was likely to go anywhere until the Trump administration began signaling support.

"Basically it's our collective view and my personal view that we have an administration in Washington that is hell bent on compromising the environment," Levine said. "Fortunately, we have state and local leaders such as Mayor Garcetti and Gov. Brown who are committed to state and local action to protect our environment, and we wanted to go on record supporting that type of environmental protection in the context of a project such as Cadiz that we feel is likely to do, as Sen. Feinstein said, irreparable harm to the desert."

Levine said he and other commissioners received comments ahead of their discussion from people on both sides of the debate.

David Lamfrom, the National Parks Conservation Association's desert director, praised the LADWP board for taking the position that the Cadiz project isn't consistent with L.A.'s sustainability efforts, saying they "took powerful action today to defend precious California desert water resources" for communities, wildlife and protected areas.

"I think they're sending a really clear signal – to water districts, to Sacramento, to the governor, to the mayor," Lamfrom said. "If you're a company who's trying to sell water, to have one of the nation's largest water districts telling you that they have no confidence in you or your product or your intentions is a really serious thing."

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## Legislature, don't mess with California's water umpire

The Times Editorial Board, August 4, 2017

As California water becomes an increasingly precious and contentious resource, the state needs an umpire with the power to enforce laws against illegal diversions and protect the rights of the public and others with enforceable claims to state water. That decision maker must be both muscular and fair.

There is indeed such a water umpire in California. It has the rather cumbersome title of State Water Resources Control Board, and although for many years it was quite lax in its approach to enforcement, the long drought has roused it from its slumber and it has begun to show its potential. That's a welcome development for most of the state's water users and rights holders.

But not for all. Some of the private businesses and even public agencies that sell water to farms and other users have gotten quite used to marginal oversight by a sleepy water board that barely frowned at water theft or misuse. Some have prevailed upon Assemblyman Adam Gray, a Democrat from Merced, to carry a bill to undermine current the enforcement process, and the entire Assembly has signed on — apparently in the mistaken belief that the board has a built-in conflict of interest that can best be remedied by adding additional layers of bureaucracy and returning to the days of more plodding oversight.

The supposed improvement offered by the bill is to take the hearings away from the water board and assign them to a panel of administrative law judges.

AB 313 is the latest in a series of attempts by water agencies to get the board off their backs by gumming up the enforcement process. Proponents of the bill may have gotten as far as they have because the mechanics of administrative law are so obscure to the average Californian, and apparently to the average lawmaker. In fact, the current process follows time-tested and court-tested standards and works just fine as it is.

Like many oversight agencies, the water board is made up of gubernatorial appointees who are vetted and confirmed by the state Senate. The board divides its staff into two parts that operate independently of one another, as befits their particular tasks.

A prosecutorial team vets complaints and chooses the most serious ones to bring to the board for hearing and adjudication. A separate staff of water engineers, scientists and other experts then assists the board in its hearings. The board can dismiss the complaint, assess a fine or order the water user to stop doing whatever it's doing. A user that is unhappy with the board's decision can seek review in superior court.

This is the process that other state agencies use to, for example, suspend liquor licenses or curb contracting abuses. It's the way the water board has operated for years, although the prosecutorial staff has brought too few actions and the board itself has been too content to ignore unlawful water diversions.

Now, though, a host of water agencies is complaining that the water board is both prosecutor and judge and that its process is thus beset with biases and conflicts of interest.

No, it's not. A state agency with quasi-judicial powers necessarily has distinct prosecutorial and adjudicatory components. The state Supreme Court already has considered whether the water board's structure adequately protects due process and concluded that it does.

The supposed improvement offered by the bill is to take the hearings away from the water board and assign them to a panel of administrative law judges — with no particular expertise in water law and without a staff of engineers, scientists and water experts at their ready disposal — in a different state office. This panel wouldn't make the final ruling in a case, however. Instead, it would make a recommendation — to the water board.

So the initial review would be backed by less subject-matter knowledge, but the board's staff would still prosecute and a different part of the board's staff would still offer expertise. The board itself would still render a decision. All the bill offers is an extra hoop through which everyone must jump.

That means extra time, and that's probably the point. In a drought, when water is in short supply and a season's worth of the stuff could mean the survival of one crop versus another or versus a salmon run, the water board needs to be able to act not just fairly and decisively but swiftly. The proposed change in the process takes California in the wrong direction.

## Tribe's leader makes water treatment a priority

Ian James, August 6, 2017

The U.S. Supreme Court has yet to decide whether it will hear an appeal from water agencies and rule in the precedent-setting legal fight over whether the Agua Caliente Band of Cahuilla Indians holds rights to groundwater in the California desert.

But Chairman Jeff Grubbe said his tribe is already looking ahead to the next phases of the case, including a federal court's eventual decision – if the tribe prevails before the Supreme Court – on how much groundwater the tribe is entitled to.

Grubbe said in an interview with The Desert Sun that if the Agua Caliente tribe wins, one of the first priorities would be to start treating the Colorado River water that flows to the Coachella Valley and is used to replenish the aquifer. He said the tribe's leaders are concerned about the quality of the water and the aquifer's long-term sustainability, and would be willing to help pay for building treatment facilities to remove salts and contaminants from the imported water.

"As soon as this is all said and done, that'll be one of the first things that the tribe's going to work on is cleaning that water before it gets dumped in our aquifer. And that's an expense the tribe's willing to front for the betterment of not only my tribe but the Coachella Valley as a whole," Grubbe said, sitting at a table next to Andreas Creek at the Indian Canyons.

He said the concern is that water from the Colorado River Aqueduct – which flows into groundwater replenishment ponds in the desert next to Palm Springs – is of lesser quality than the groundwater, with higher levels of dissolved solids as well as contaminants from farm runoff and cities upstream.

"There's a lot of solids and pollutants in it," Grubbe said. While the effect on water quality may not be "alarming" quite yet, he said, "if nothing is done now, in the future it could be."

Grubbe acknowledged that treating the water would be expensive and said the tribe would be willing, once the case is over, "to bear some of that expense."

"We're willing to put our money where our mouth is and actually set up treatment facilities and clean that water," Grubbe said. He said hopefully the tribe will eventually be able to work together with the Coachella Valley Water District and the Desert Water Agency on a plan to begin treating the water.

The Agua Caliente tribe sued the two water agencies in 2013, seeking to assert rights to the groundwater beneath its reservation.

The tribe has about 485 members, and its reservation spreads across more than 31,000 acres in a checkerboard pattern that includes parts of Palm Springs, Cathedral City, Rancho Mirage and surrounding areas.

Grubbe said the tribe would be willing to sit down with the water districts to try to reach a settlement. Yet the two sides remain deeply at odds on the central issue of whether the tribe holds a federally established right to groundwater, as the courts have ruled so far.

The water agencies defend their efforts to combat the long-term problem of groundwater overdraft in the valley and insist that ensuring water quality is among their top priorities. They say treating supplies of Colorado River water would be unnecessary.

“More than 33 million people rely on Colorado River water for drinking water, which meets federal and state standards,” the Coachella Valley Water District said in a statement.

Ashley Metzger, a spokesperson for Desert Water Agency, said the area’s drinking water is far below the recommended levels of total dissolved solids, or TDS, which include salt and other minerals and can affect taste. She said the Colorado River water is also below a state guideline for TDS, which is a measure of taste rather than a health-related standard.

“At this point, treating the water would be not only extremely expensive, but would provide very little or no health benefit. Rates would skyrocket and to what end?” Metzger said in an email. “We believe that the facilities are unnecessary, would be extremely challenging logistically and would impact rates unless the (Agua Caliente tribe) was willing to offset all of those costs. We are curious to know what level of commitment are they talking about and what they would expect in exchange.”

Metzger said the water agencies haven’t heard from the tribe or their lawyers regarding any willingness to settle the case. She said the Tribal Council or their lawyers “would need to come to us with a request.”

### **Arguing over water**

The water districts appealed to the Supreme Court in July, challenging a decision by the Ninth Circuit Court of Appeals, which ruled the tribe has a right to groundwater dating back to the federal government’s creation of the reservation in the 1870s.

The water districts argue the aquifer is a public resource and the tribe has the same rights under California law as all other landowners to use water pumped from the aquifer.

The water agencies’ managers have questioned the motivations behind the lawsuit, pointing out that the tribe hasn’t publicly said exactly how much water it wants or what it would do with the water.

Grubbe accused the agencies of misleading the public about the tribe’s aims. He said the Agua Caliente tribe has long disagreed with how the agencies are managing the water supply and is concerned about over pumping as well as water quality.

“We want to be able to help govern the water,” Grubbe said. “That’s what the water board is supposed to do is govern the water for the betterment of the valley, and that’s where we feel they’re lacking.”

The tribe owns the Spa Resort Casino in Palm Springs and the Agua Caliente Casino Resort Spa in Rancho Mirage, and has plans for new subdivisions as well as another casino in Cathedral City. Its casinos and golf courses get their water from the local agencies, as do the housing subdivisions and businesses built on leased tribal lands.

“We own a large portion of the land. We were here since the beginning and we feel we have a claim to the aquifer, not all of it but we do have a legitimate claim to it, and whatever that amount is, it will play out in the courts, but we want to be able to have a say on that,” Grubbe said.

“It is a little frustrating because the water agencies, that’s their way to get to the public and create this fear that ‘the tribe is greedy,’ that ‘all they’re thinking about is money.’ But if you look at my tribe’s history, we’ve never put ourselves first. We’ve never made all of our decisions based on revenues. ... We’re thinking about the whole community.”

Grubbe says the case is about securing a “seat at the table” for the tribe to have a voice in decisions about how the aquifer is managed. The water agencies’ officials have responded, saying the tribe is welcome to participate in managing the aquifer as one of the community’s stakeholders.

“Unfortunately they’ve misled the public and they continue to mislead the public,” Grubbe said. “They even label us as a ‘key partner.’ I think what they mean to say is a ‘key customer.’ Partners have a seat at the table and they work out these issues. That’s never happened and it probably never will until the court rules in our favor.”

Meanwhile, the legal bills have been mounting on both sides. At last count as of July, CVWD had spent more than \$1.1 million on legal bills, and DWA had spent more than \$1.5 million – a combined total of nearly \$2.7 million.

Grubbe acknowledged it’s been expensive for the tribe, too.

“But it’s the right thing to do,” he said. “It doesn’t matter how much it’s going to cost us, we’re going to see it through. It’s our future.”

### **Rising water rates**

In December, the Desert Water Agency’s board approved a significant increase in water rates. The agency said the rate hike was necessary to supplement revenue lost to conservation during California’s five-year drought and to pay for repairs to leaky pipes, some of which date back to the 1930s, as well as to cover increasing costs for imported water.

Grubbe criticized the decision.

“They’re raising rates for not even doing anything but delivering the water,” he said. “As they claim, it’s everyone’s water, they just charge to deliver. But those rates keep increasing and I don’t understand why they’re increasing if all they’re doing is delivering, why?”

Grubbe said he would feel differently about the higher rates – and he’s heard from other people in the community that they would, too – if the increase were going to pay for treating the Colorado River water.

“They’re already paying higher rates that keep going up. But at least if they’re paying that higher rate to clean the water, that it’s going toward something and it’s going to a better future,” Grubbe said.

Officials at the water agencies say they worry that if the tribe wins, its privileged rights could drive up water costs for customers and complicate efforts to manage groundwater.

Metzger said it’s interesting for the tribe to be asking for water treatment while also expressing concern about rates.

“I hope they understand the profound impact that their request would have on rates and affordability of water in our region,” Metzger said.

CVWD, which approved a rate increase in 2016, said in a statement that the area’s water agencies still have some of the lowest water rates in California, and the rates are based on studies of the costs of providing service.

## Plans questioned

If the tribe prevails on the question of holding a “reserved right” to groundwater, the case would continue with other phases to determine whether the tribe owns storage space in the aquifer, whether its rights include a water-quality component and how much groundwater the tribe would be entitled to.

Some residents have suggested a theory that the tribe might try to sell bottled water, just like the Morongo Band of Mission Indians, which has a bottling plant operated by Nestle Waters North America on its reservation in Cabazon.

Grubbe called the idea absurd.

“We’ve never had any plans to bottle the water and sell it. And I know some people have said that, and I don’t know where it comes from, or it’s just their assumptions, but it’s wrong,” he said. “We want our water to stay here in the valley. That doesn’t make sense for us to sell it to, I don’t know, Arrowhead or Nestle or if you try to sell it outside the valley to L.A.

... That would never be anything that the tribe would even consider.”

He said the Morongo tribe and all other tribes have the right to decide what’s best in their communities.

“So if that works for Morongo and the cities around there and they’re not concerned, then that’s their right,” he said. “But I can assure you, that’s not our direction that we’d want to go.”

In many parts of California, aquifers have been badly depleted due to heavy pumping.

State officials responded during the drought in 2014 by approving the Sustainable Groundwater Management Act, which calls for local agencies to adopt plans for sustainable water use.

As sovereign nations, Indian tribes aren’t subject to the groundwater law and aren’t required to participate. Tribes also aren’t required to report how much groundwater they pump to any government agency.

Grubbe said, however, that the Agua Caliente tribe wants to be transparent and share information about water use on reservation land.

“To work with the community, we’d want to share that information,” Grubbe said. “It doesn’t make sense for us to be openly critical of the water agencies and then when we finally have a seat at the table, to hold stuff back.”

Given the tribe’s relatively small number of members, Grubbe said, most the water that’s used on tribal lands is going to non-tribal developments.

Kate Anderson, an Agua Caliente spokeswoman, said the tribe buys its water from DWA. Its two golf courses are irrigated completely with recycled water.

On Whitewater Ranch, a property owned by the tribe, there is a well and Anderson said a caretaker uses a minimal amount of water.

In other areas, as things stands now, “we do not have any way of knowing if property owners have private wells within the boundary of the reservation,” Anderson said.

## Other tribes

Leaders of Native American tribes across the West have been closely watching the case.

A list of 35 tribes and five tribal organizations joined the lawsuit last year, backing the Agua Caliente in a “friend-of-the-court” brief. They include the Spokane Tribe of Indians in Washington and the Pyramid Lake Paiute Tribe in Nevada, as well as various others in California.

“They’re watching it and they’re pleased that it’s going the way it’s going so far,” Grubbe said. “A lot of tribes congratulate as we go forward. Just the first round, in upholding it that we have rights to the groundwater, was a big victory for Indian Country.”

If the courts side with the Agua Caliente tribe, other tribes across the country would gain legal backing to assert rights to groundwater, which could in turn strengthen their positions in negotiations or court cases.

Groundwater and surface water have long fallen under separate, different water-rights systems.

With surface water, California and other western states use a “first-in-time, first-in right” system in which the first party to use water from a stream or river obtained a priority right. With groundwater, in contrast, California law says landowners have a right to pump water from beneath their property, and no one holds priority rights.

The U.S. Supreme Court has never ruled on whether Indian tribes hold special federal rights to groundwater. The Supreme Court hears a small percentage of the cases that are petitioned for review, and the court is expected to announce in the fall whether it will take up the Agua Caliente case.

Grubbe said whether the high court hears the case or not, he’s confident the tribe will win.

“This will have a ripple effect throughout Indian Country, for sure,” he said.

While Grubbe spoke, the gurgling creek flowed past and the cicadas buzzed in the palm trees. This creek runs year round, fed by mountain springs as well as rains and snowmelt from the mountains above.

The water that flows through the Indian Canyons emerges into the desert and sinks into the soil, replenishing the aquifer.

“Tribes have cultural ties to the water, spiritual ties to the water,” Grubbe said. “There’s a lot of different reasons why water’s important to us, and I think that having a right to govern that water and decide what to do with that water is a right that every tribe should have.”

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## 10 states back California agencies in fight with tribe over groundwater

Ian James, Aug. 8, 2017

Ten states from Nevada to Texas have weighed in to support two water agencies in their fight with an Indian tribe over control of groundwater in the California desert.

The states filed a brief Monday before the U.S. Supreme Court, which will soon decide whether to take up an appeal filed by the Desert Water Agency and the Coachella Valley Water District.

The water agencies are challenging a decision by the Ninth Circuit Court of Appeals, which ruled the Agua Caliente Band of Cahuilla Indians has a federally established right to groundwater dating to the creation of its reservation in the 1870s.

If the Supreme Court agrees to hear the case, it would have a rare opportunity to settle the question of whether tribes hold special federal "reserved rights" to groundwater as well as surface water, and to define more clearly the boundaries between state-administered water rights and federal water rights.

The 10 states joined the case in a "friend-of-the-court" brief, saying every state "has an obvious stake in the preservation, maintenance and allocation of their most precious natural resource."

The states' attorneys argued the appeals court's ruling that the tribe has a priority right to groundwater "is literally a watershed opinion washing away the authority and control that states have traditionally exercised over groundwater resources."

Nevada Attorney General Adam Laxalt led the coalition of 10 states, saying the case is about defending state governments' authority over the regulation of groundwater.

"Western states like Nevada are particularly impacted by the current uncertainty of groundwater rights created by this recent Ninth Circuit decision," Laxalt said in a statement. He urged the Supreme Court to "take the necessary steps to clarify the States' groundwater rights and to ensure Nevada's best interests are being protected from unnecessary and unwarranted federal interference."

Other states that signed on in support of the water agencies included Arizona, Arkansas, Idaho, Nebraska, North Dakota, South Dakota, Texas, Wisconsin and Wyoming. California was not among them and has not formally taken a position on the case.

The Agua Caliente tribe sued the water agencies in 2013, seeking to assert rights to groundwater beneath its reservation in Palm Springs and surrounding areas.

The tribe accuses the agencies of imperiling the aquifer by allowing its levels to decline over the years and by using saltier, less pure Colorado River water to replenish the aquifer. The agencies defend their efforts to combat groundwater overdraft and insist that Colorado River water meets all drinking water standards.

Managers of the water agencies argue the aquifer is a public resource and the tribe has the same rights under California law as all other landowners to use water pumped from the aquifer.

The Supreme Court hears a small percentage of the cases that are petitioned for review, and the court is expected to announce in the fall whether it will take up the case.



The states' involvement in the case, and their stance that it presents an important unresolved legal issue, could increase the odds of the court hearing the case.

If the Agua Caliente tribe prevails, the lawsuit would set an important precedent for other tribes across the country, strengthening their claims to groundwater.

The U.S. Department of Justice signed on to the suit in support of the tribe in 2014, saying the federal government has an interest in ensuring water rights for the tribe.

The Supreme Court has never ruled on the question of whether tribes have a federally established right to groundwater.

Groundwater and surface water have long fallen under separate, different water-rights systems.

The case is pushing the courts to sort out how groundwater fits into laws drawn up more than a century ago, before the widespread use of mechanical pumps that enabled people to easily tap underground water supplies.

One of the questions in the case centers on state and federal courts' varying interpretations of a 1908 Supreme Court decision, *Winters v. United States*, which affirmed that Indian tribes are entitled to sufficient water supplies for their reservations.

The Ninth Circuit Court of Appeals said the so-called *Winters* doctrine applies to both surface water and groundwater on federally reserved land – including Indian reservations as well as other lands set aside by the government, such as national forests, national parks and military bases.

The states pointed out in their brief that “as a general matter, water rights must be acquired under state law, even for federal lands.”

They argued that if a reservation created by the federal government “can assert absolute preemption over state groundwater allocation laws and regulations, a state’s effort to effectively manage those limited water resources will be thrown out of balance.”

In a state like Nevada – which has more of its land under federal ownership or control than any other state – the states’ attorneys said the appeals court’s ruling would have “potentially devastating consequences” if it stands. They said those additional federal rights claims would lead to over-allocation of western states’ limited water supplies.

“Existing groundwater users may lose their established right to use that water, or be subject to curtailment in the inevitable times of scarcity,” the states said in their argument. “Current rights holders may see their investment backed decisions evaporate.”

The state attorneys general said the Ninth Circuit’s decision has left states “facing a possible tide of federal reserved water right claims,” which they argued creates great uncertainty.

*This is a developing story. Please check [DesertSun.com](http://DesertSun.com) for updates.*

## **Flood waters from water main break helped replenish Temecula groundwater supply**

By Aaron Claverie, Published August 9, 2017

Well, it wasn't a total loss.

The water main break on Tuesday, Aug. 8, in Temecula, which flooded Jefferson Avenue between Winchester Road and Cherry Street for a few hours, will help replenish the region's anemic groundwater supply, according to Rancho California Water District officials.

"The majority of it did flow into the detention basin and into the groundwater basin," said General Manager Jeff Armstrong on Wednesday. "Also we have a well not far from there so the water should be captured and put back to use."

The break, which Armstrong said appears to have been caused by "poor installation technique," unleashed around 1.2 million gallons (3.7 acre-feet) of water. An acre-foot is about 326,000 gallons, or what two families typically use in a year.

The pipe broke around 6 p.m., forcing the closure of a stretch of Jefferson that is used by commuters to avoid traffic on Interstate 15.

Patrick Thomas, the city of Temecula's public works director, said Wednesday that the city immediately issued Rancho an emergency permit to clean up mud and repair the roadway, a \$100,000 job that involved removing the busted water main, putting in a new pipe and repaving a big chunk of Buecking Drive.

As of Wednesday afternoon, crews were still working on the fix and Buecking was closed at the intersection with Jefferson.

"We're just checking to make sure they restore it back to its pre-existing condition," Thomas said.

The flooding did not cause any damage at a business near that intersection, OneSource Distributors, said Jake Fuimaono, a company salesman. The closure of Buecking, which should be reopened by Thursday, was a bit inconvenient but customers and employees were able to access the building from side streets, he said.

## VALLEY VOICES

# Temperance Flat Dam investment will pay off for California

By Dr. Joaquin Arambula, August 13, 2017

The winter of 2017 was a gift in many ways. Not only did it bring desperately needed water to California and end a statewide drought emergency, it highlighted the need to build more surface water storage projects like Temperance Flat on the San Joaquin River.

California's investment in water infrastructure has not kept up with the ever-growing demand for water supply. Many aging facilities don't have the capacity necessary to keep up with our state's population growth. Friant Dam and Millerton Lake are too small to capture runoff from the massive watershed above it. As a result, millions of acre-feet of water washed out to sea during the spring thaw even though California was still technically in a drought.

Building a bigger storage system to capture the San Joaquin River's flows in wet years is only one of the many benefits of Temperance Flat. Once built, Temperance Flat will also enhance flood protection downstream.

In 1997, Friant Dam was tested when a historic storm sent floodwaters raging down the San Joaquin. Friant Dam spilled at record levels and caused millions of dollars in damage while putting lives at risk. Temperance Flat will significantly improve flood protection for the communities down river while capturing and storing the excess flows.

**USERS OF THE PROJECT, INCLUDING ENVIRONMENTAL AND RESOURCE INTERESTS, WILL BE ABLE TO PURCHASE A STORAGE ACCOUNT OF WATER AND USE IT HOWEVER AND WHENEVER IT IS NEEDED.**

From an environmental perspective, Temperance Flat will directly and positively impact the San Joaquin River. At its inception, Friant was the only major dam in California not designed to send the water it stores down the river channel it blocks. Instead, two holes in the dam were constructed to send water south through the Friant-Kern Canal and north to the Madera Canal for agricultural and urban uses.

Temperance Flat will nearly triple storage capacity above Friant Dam and deliver water from the San Joaquin River to farms on the west side, ensuring higher and more reliable flows, and restoring the San Joaquin River back to the levels and flows that once occurred naturally.

Another key benefit of Temperance Flat is its location. Located south of the fragile Delta ecosystem, supplies from Temperance Flat could be called upon during times of water emergencies.

The most unique aspect of the project is the water storage account system the Temperance Flat designers have created. Users of the project, including environmental and resource interests, will be able to purchase a storage account of water and use it however and whenever it is needed.

Environmental resource managers will have the flexibility to operate water in Temperance Flat and access that water in dry years in order to protect natural resources – free from political pressure or external forces.

Finally, Temperance Flat will play a key role in groundwater recharge. With California's new Sustainable Groundwater Management Act in place, getting water back into the severely over-drafted aquifers is critical.

Water behind Temperance Flat could be delivered to Central Valley water basins, bringing water levels back to sustainable levels for the future. Restoring groundwater supplies is critically important for disadvantaged communities that have suffered undrinkable groundwater for years, a condition which has been exacerbated throughout our recent drought.

The Temperance Flat Dam project will help meet California's urban, rural, agricultural, and environmental water needs today and for generations to come. It is time for California to invest in water infrastructure to meet the crisis of today and prepare for tomorrow.

*Dr. Joaquin Arambula represents the 31st District in the Assembly. This opinion was co-authored by seven lawmakers representing Valley districts: Assemblymembers Frank Bigelow, Adam Gray, Devon Mathis, Heath Flora, Jim Patterson and Rudy Salas; and state Sen. Anthony Canella.*

## **ChicoER NEWS**

### **Sites Reservoir backers ask for water bond money**

*By Staff Reports* POSTED: 08/14/17,

Maxwell >> Backers of the proposed Sites Reservoir west of Maxwell filed an application Monday for Proposition 1 funding and released environmental documents about the project for public review and comment.

Monday was the deadline to apply with the California Water Commission for a share of the \$2.7 billion for water storage that was in Proposition 1, a bond voters passed in November 2014.

The Sites Project Authority told this newspaper late last month that it already has enough investors to cover the \$4.7 billion cost of building the off-stream reservoir in Colusa and Glenn counties but is giving the state the first option to buy into the water supply the reservoir would provide.

The 1.8-million-acre-foot lake is expected to deliver about 500,000 acre-feet of water each year. If the state were to pay half the cost of building the reservoir — the maximum allowed under the law — it could have access to half the annual water yield to use as it pleased. Smaller investments would result in proportionally smaller amounts of water.

However much water the state doesn't want would go to the urban and irrigation water agencies that have invested in Sites.

The Proposition 1 application can be viewed at <https://www.sitesproject.org/environmental-review/wsip-application/>.

#### **ENVIRONMENTAL DOCUMENTS**

Also Monday the draft state Environmental Impact Report/federal Environmental Impact Statement were released for public comment.

The draft EIR/EIS evaluates and describes the environmental effects and proposed mitigation measures associated with construction and operation of the reservoir and associated facilities.

Public comments will be taken until Nov. 13.

The draft EIR/EIS and more information about the environmental review process can be found online at <https://www.sitesproject.org/environmental-review/>.

Two public meetings to take comments have also been scheduled for September:

- Maxwell: 6-8 p.m. Sept. 26, Sites Project Authority office, 122 Old Highway 99 West.
- Sacramento: 1-3 p.m. Sept. 28, Sacramento Convention Center, 1400 J Street.

The Bureau of Reclamation also has prepared a draft feasibility report, which is a component of the funding request submitted to the California Water Commission. The report can be found at <https://www.sitesproject.org/information/FeasibilityReport>.



## **Public meetings announced for Sites dam project and to submit comments on draft environmental documents**

By Bureau of Reclamation - August 14, 2017,

MAXWELL, Calif. Aug. 14, 2017—The Sites Project Authority (Authority) today has submitted its application to the California Water Commission for Proposition 1 Water Storage Investment Program (WSIP) funding for the Sites Reservoir Project. This important milestone marks substantial project momentum, as demonstrated by the over 170 organizations, agencies, businesses and elected officials that support the project. Representing labor, business, water and agricultural interests, and various local and statewide agencies, as well as several cities and counties, this diverse coalition views Sites as a viable, modern solution to securing statewide water supplies while benefitting critical ecosystems.

In another step forward for project planning, the Authority, the state lead agency under the California Environmental Quality Act, and U.S. Bureau Reclamation (Reclamation), the federal lead agency under National Environmental Policy Act, have also posted a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for public review and are accepting comments through November 13, 2017.

The Draft EIR/EIS evaluates and describes the environmental effects and proposed mitigation measures associated with construction and operation of the Sites Reservoir and associated facilities. Reclamation will publish their Notice of Availability for the Draft EIR/EIS in the Federal Register by the end of this week.

The Sites Project is the culmination of decades of planning to optimize water supplies and deliveries throughout California and provide direct and real benefits to instream flows and the Sacramento-San Joaquin Delta (Delta) ecosystem. The 1.3 to 1.8 million acre-foot offstream surface water storage project is being advanced to greatly increase the reliability of statewide water supplies for environmental, agricultural and urban uses.

“California faces an uncertain future of new and different water challenges, and needs a project like Sites that offers essential benefits under a future of changing conditions,” said Authority board president and Colusa County Supervisor Kim Dolbow Vann. “Submittal of our Prop 1 application, and release of the draft environmental documents, advances this critical project one step closer to construction, securing water sustainability and benefitting California’s economy and environment.”

“With the release of these documents as well as the extensive work already performed, the Sites Project Authority is well-positioned to request funding for the project under Proposition 1. Reclamation is pleased to provide technical assistance towards that effort, and proud of our partnership with the Sites Project Authority,” said Mid-Pacific Regional Director David Murillo.

Reclamation has also prepared a Draft Feasibility Report, which is a critical component of the Authority's funding request submitted to the California Water Commission under Proposition 1. Reclamation's planning process anticipates that, if constructed, the Sites Reservoir could be constructed with entirely non-federal funding.

The Authority is comprised of several Northern California public agencies who are motivated to build local water sustainability in a way that helps the state meet its overall water system needs.

The 90-day Draft EIR/EIS public review period provides an opportunity for regulatory agencies and the public to comment on the adequacy and completeness of the environmental analyses and proposed mitigation measures, helping inform project development.

Two public meetings will be held to provide information and an opportunity to learn more about the Sites Project and submit comments on the draft environmental documents:

**Tuesday, September 26, 2017**

Sites Project Authority Office  
122 Old Highway 99 West  
Maxwell, CA 95955  
6:00 p.m. – 8:00 p.m.

**Thursday, September 28, 2017**

Sacramento Convention Center  
1400 J Street  
Sacramento, CA 95814  
Room #306  
1:00 p.m. – 3:00 p.m.

The Draft EIR/EIS and more information about the environmental review process can be found online at: <https://www.sitesproject.org/environmental-review/>. For questions about the Sites Project or public meetings please contact: Janet Barbieri, Sites Project Authority, at 530-919-9306.

To view the complete Sites Prop 1 WSIP application, visit: <https://www.sitesproject.org/environmental-review/wsip-application/>, and Reclamation's Draft Feasibility Report is located here: <https://www.sitesproject.org/information/FeasibilityReport>.

*There are currently 32 participants in the Sites Project. The following compose the Sites Project Authority: Colusa County Water District, County of Colusa, County of Glenn, Glenn-Colusa Irrigation District, Maxwell Irrigation District, Orland-Artois Water District, Placer County Water Agency/City of Roseville, Proberta Water District, Reclamation District 108, Tehama-Colusa Canal Authority, Western Canal Water District, Westside Water District. Follow the Sites Project on social media @SitesProject.*

# The Mercury News

## East Bay reservoir expansion plan wins support of environmental groups

By Denis Cuff | [dcuff@bayareanewsgroup.com](mailto:dcuff@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: August 14, 2017

BRENTWOOD — A \$914 million plan to expand the Los Vaqueros Reservoir as drought insurance for millions of Bay Area residents picked up endorsements Monday from six conservation groups in a rare display of environmental support for new water development.

Environmental groups are pleased because the project would provide large amounts of water for Central Valley wetlands, habitat for ducks, geese and other wildlife, in addition to storing water for people and farms.

"As a coalition, we consider these wildlife refuge benefits to be critically important," the Nature Conservancy, Audubon California, and four other groups wrote to the California Water Commission. "The problem is so significant that some refuges ... are left virtually dry in drought years."

The environmental coalition urged the state commission to look favorably on a request for \$434 million in voter-approved state bond money to expand the reservoir southeast of Brentwood.

A coalition of 12 water agencies are cooperatively planning to raise the Los Vaqueros earthen dam by 55 feet, increasing its storage capacity from 160,000 acre feet to 275,000-acre feet, enough water to meet the annual needs of 1.4 million people.

The Contra Costa Water District, owner of Los Vaqueros, is coordinating the grant application. Other partnering agencies include the Santa Clara Valley Water District, East Bay Municipal Utility District, San Francisco Public Utilities Commission, Alameda County Zone 7 Water District, Alameda County Water District and Grassland Water District. The latter manages wildlife refuges near Los Banos in Merced County.

Meanwhile, further studies on the expansion have raised its tentative price tag to \$914 million, up from a previous estimate of some \$800 million, the Contra Costa Water District reported Monday in submitting its grant application.

An expanded Los Vaqueros Reservoir would provide 46,000 acre feet of water annually on average for Central Valley refuges, the six environmental groups said.

Only five percent of the Central Valley's wetlands remain because most were drained, diked, developed, plowed over and built on, the groups wrote.



The letter signers also include the Planning and Conservation League, California Waterfowl Association, Defenders of Wildlife, and Point Blue Conservation Science.

The proposed reservoir expansion project calls for a new pipeline enabling Contra Costa Water District to ship Delta water to the state's Bethany Reservoir, where it could be moved south of the Delta to wildlife refuges.

"The potential expansion of Los Vaqueros into a regional facility presents a significant opportunity for our customers, the environment and local agency partners," said Lisa Borba, the Contra Costa Water District Board president.

The California Water Commission is scheduled in June 2018 to decide on grants from state Proposition 1, passed by voters in 2014. If funded, the Los Vaqueros expansion could begin in 2022 and finish in 2026 or 2027.



Northstate

## **Sites Reservoir takes major step forward**

Josh Copitch, Posted: Aug 14, 2017

**MAXWELL, Calif.** - The Sites Project Authority submitted its application to the California Waters Commission for Proposition 1 funding for the Sites Reservoir Project.

Officials said that this milestone marks "substantial project momentum" as seen by the over 170 organizations, agencies, businesses, and elected officials that support the project. Representing labor, business, water and agricultural interests, and various local and statewide agencies, as well as several cities and counties, this diverse coalition views Sites as a viable, modern solution to securing statewide water supplies while benefiting critical ecosystems.

The Sites Project is the culmination of decades of planning to optimize water supplies and deliveries throughout California and will provide direct and real benefits to instream flows and the Sacramento-San Joaquin Delta (Delta) ecosystem.

"California faces an uncertain future of new and different water challenges and needs a project like Sites that offers essential benefits under a future of changing conditions," said Authority board president and Colusa County Supervisor Kim Dolbow Vann. "Submittal of our Prop 1 application, and release of the draft environmental documents, advances this critical project one step closer to construction, securing water sustainability and benefiting California's economy and environment."

Two public meetings will be held to provide information and an opportunity to learn more about the Sites Project and submit comments on the draft environmental documents:

- Tuesday, September 26, 2017, Sites Project Authority Office 122 Old Highway 99 West Maxwell, CA 95955 6:00 p.m. – 8:00 p.m.
- Thursday, September 28, 2017, Sacramento Convention Center 1400 J Street Sacramento, CA 95814 Room #306 1:00 p.m. – 3:00 p.m.

## Sites Reservoir Supporters Want \$1.6 Billion From Water Bond

Amy Quinton, Monday, August 14, 2017 | Sacramento, CA

This week is the application deadline for projects requesting funding from the \$7.5 billion Proposition 1 water bond that California voters approved in 2014.

Supporters of Sites Reservoir, which would be located an hour northwest of Sacramento, say they are asking for \$1.6 billion from the bond. That's more than half of the money in the bond that is set aside for water storage projects in California.

At a capacity of 1.8 million acre-feet, it would be the largest reservoir built in California since 1979. An acre foot is about enough water for an average California household for a year.

More than two dozen water agencies have signed on to purchase water and build the \$4.7 billion reservoir. Fritz Durst, vice-chair of the Sites Reservoir Joint Powers Authority, says the reservoir would be able to capture high flows in the Sacramento River to help provide more water in dry years.

"This year, if Sites would have been dedicated last fall and empty, it would be full right now, so that's 1.8 million acre-feet," says Durst.

Durst says if the state invests in the project, it could provide water for purposes other than agriculture.

"Some of the water will stay north of the Delta for use for agriculture. But the other big improvement will be for the ecosystem," he says.

He says the state could provide water to wildlife refuges or to provide cold water for salmon.

Sites Reservoir will have to compete with other storage projects applying for funding. The California Water Commission will make the final decision next year.

## Agreements in place to fund largest California reservoir proposal

**The Sites Reservoir project in Colusa County has funding commitments from 32 water agencies throughout California. But the developers still plan to seek state bond funds to leverage environmental benefits.**

Written by Matt Weiser, Aug. 15, 2017

**CALIFORNIA VOTERS IN 2014** approved a ballot measure that allocates \$2.7 billion for water storage projects. It's likely there will be hot competition for the money when the California Water Commission gets around to awarding it next year.

But it turns out one of the largest projects, the proposed Sites Reservoir, already has enough funding commitments and doesn't necessarily need the state bond money. Some 32 water agencies throughout California have already signed agreements to invest in the Sites project and disclosed how much water they might want to buy. These range from Metropolitan Water District of Southern California (the biggest buyer), to more local entities like the city of American Canyon.

It's a major milestone for the largest water storage project currently under consideration in California. Sites, to be located in Colusa County northeast of Sacramento, would cost an estimated \$4.7 billion to construct, with a total capacity of 1.8 million acre-feet. About 500,000 acre-feet would be available for delivery to customers on an annual average basis. It is an "off-stream" reservoir, meaning it would receive water diverted from the Sacramento River via pumps and canals.

Yet Jim Watson, general manager of the Sites project, said he still hopes to secure state bond funds for the project. This is because the money would not only reduce costs for the water investors but also secure a role for Sites as a next-generation water storage reservoir that also benefits endangered species.

Water Deeply recently interviewed Watson about how the Sites project crossed this funding hurdle, and why the project is still a good candidate for state bond funds.

### **Water Deeply: How did you get to this point?**

Jim Watson, general manager of Sites Project Authority.

Jim Watson: For quite a while we've had requests for participation in a significant amount of water that the reservoir can produce. It's now to the point that it's about 80 percent of what we would be proposing to the Water Commission for the full reservoir. If we didn't have Proposition 1 funds, we would essentially have enough support to go forward with the project.

We estimate we'll be able to deliver between 450,000 and 500,000 acre-feet of water per year. That's based on a long-term average. And now we have 404,000 acre-feet of requests. And quite frankly, my feeling is if we needed to after the Water Commission decision, we could go back out and see if there were additional requests. Because a lot of the feedback we got back from some water agencies was they wanted to see the Water Commission process completed before they would make an investment decision in the project.

They've signed agreements for what we call Phase One of the project, which is now through essentially the Water Commission decision process. Then, based on where the Water Commission lands, we will have new agreements and a reason to rebalance the water amount, and new funding. So essentially, at that point every participant gets to re-evaluate their positions, and we expect some of them will change their minds. And we will still be able to go forward based on their requests.

But one of the reasons we have such strong support is these water agencies agree with us that the Proposition 1 process, with the state having a water asset that they could manage, is unique and a better way to go in terms of managing our future. So everyone is committed to wanting to maximize the state's investment in the project.

**Water Deeply: How will your funding commitments mesh with the Water Commission process?**

Watson: Ideally, when the state comes in and says this is how much funding we're interested in, then we have enough requests to essentially go forward. We can then tell these water agencies, for example, you asked for 20,000 acre-feet but I can only give you 15,000 and the state is taking the rest. So at that point, we do have a very strong project and we look forward to having the state as a partner.

And we're planning to go to the next step, which is the WIIN Act approved by Congress in December. It allows the federal government to acquire water for the environment, which sounds very similar to Proposition 1. So maybe the state does not come in and invest as much as we would like. We would then offer the federal government a water asset they could manage for the environment, with the hope that between the state resources agencies and federal government, they would pool their assets together to improve conditions on the Sacramento River and the Delta.

**Water Deeply: Could you build the reservoir without state money?**

Watson: Today we're going forward under Proposition 1 with the investment we have. We'll make a decision based on where the water community lands. At a minimum, we still plan to pursue the federal government water asset for the environment.

**Water Deeply: How do these funding commitments from your water agency partners work?**

Watson: Right now we do not have a permittable project. We're using the acre-foot measure as a way to apportion the study costs. So for all the work to produce the Proposition 1 application and advance our environmental documents, we're using the acre-foot as a way to allocate those study costs.

After the Water Commission makes a decision, we will look at how much water has been asked for and we'll rebalance. Not everybody is going to get the allocation of water they requested, and we'll rebalance based on what is a permissible project and keep moving forward.

When we get the permits, then that acre-foot would be expected to become their share of the construction and finance costs that they would then have an obligation to repay. We're really developing this project on a "beneficiary pays" principle, with the expectation that if a third of the water is for environmental benefits, then a third of the costs should be borne by the public.



## Funds sought for Temperance Dam project

Posted: Tuesday, August 15,

THE RECORDER [recorder@portervillerecorder.com](mailto:recorder@portervillerecorder.com)

Temperance Flat's water storage development took a major step toward reality Monday as an application was filed by a cooperative San Joaquin Valley regional partnership seeking State of California water bond funding for the long-sought project.

"It's a banner day today," said J. Steven Worthley, San Joaquin Valley Water Infrastructure Authority (SJVWIA) president and a member of the Tulare County Board of Supervisors. "Completing and filing this application and continuing to move Temperance Flat forward is the primary reason this organization was formed and has been working so hard."

Worthley and several others stressed the importance of Temperance Flat this morning during a signing ceremony and news conference at the Fresno County Farm Bureau in Fresno to announce the bond application's completion and filing.

Temperance Flat is a proposed major surface water storage facility project that would be developed on the San Joaquin River northeast of Fresno. The dam would be located 6½ miles upstream from the Central Valley Project's (CVP) Friant Dam and would have a reservoir capacity of 1.3 million acre-feet.

The project would permit capture and storage of high flows in above-average water years and high flow events. The existing Millerton Lake has a comparatively small capacity of 520,500 acre-feet that in above-average water years frequently runs out of room from inflows generated by the river's Sierra Nevada watershed.

Temperance Flat Dam and Reservoir have been under consideration for decades. The proposed project's site was the originally proposed location for a Millerton area reservoir in 1930. The present Friant Dam location was selected to reduce construction costs. The proposed site is within an upper reach of Millerton Lake.

Project benefits include increased regional water supply reliability and system operational flexibility that would increase water supply, enhance fish habitat, flood control and recreation as well as improve reliability for municipal and industrial users.

Temperance Flat would create an important storage facility south of the environmentally stressed Delta that could also be used, if absolutely necessary, in an emergency.

The application noted that hydrologic conditions that occurred in California over the past several years deeply affected water users throughout the state and caused particularly adverse San Joaquin Valley impacts and demonstrated the need for Temperance Flat.

“During the period from 2014 to 2017, the region experienced both extreme water shortages and wet conditions that revealed a great need for additional surface water storage,” the application says. “As drought conditions extended into 2014 and 2015, water users in the San Joaquin Valley experienced unprecedented consequences of water shortages. Water supplies from Northern California were reduced to levels that required the first-ever releases from Friant Dam on the San Joaquin River to meet downstream water rights obligations at Mendota Pool, resulting in zero surface water deliveries in the Friant Division of the Central Valley Project.

In his remarks this morning, Worthley recognized and thanked everyone who worked to make the bond application a reality. He pointed out that the California Water Commission months ago, in setting Monday’s filing deadline, shortened the period of time available for completing studies and preparing all documents. At the same time, the Commission added significant requirements of project analysis on climatic change and environmental conditions decades in the future. Those added to the task, as did a regional request that feasibility study alternatives be examined and expanded to develop an eastern San Joaquin Valley water baseline for use of Temperance Flat supplies for comparison purposes.

“All of these were difficult challenges that have been met with tremendous efforts and professional skills by our organization’s Technical Advisory Committee, our consulting firm Stantec and the U.S. Bureau of Reclamation,” Worthley said.

The long-time significance of today’s filing did not escape San Joaquin Valley Water Infrastructure Authority Executive Officer Mario Santoyo. “This is a historical event for the Valley,” Santoyo said. “It has taken many years of hard and dedicated work by this entire valley to get us this opportunity.”

The San Joaquin Valley Water Infrastructure Authority was organized in 2015 by Supervisors in Fresno, Tulare, Madera, Kings and Merced counties, as well as leaders of cities, tribes and water agencies, to support the proposed Temperance Flat Project and to encourage planning and development of other new valley water infrastructure.





## **NEWS WORTH NOTING, water storage edition: Sites Reservoir, Los Vaqueros Reservoir Expansion, and Temperance Flat submit applications for Prop 1 funding**

August 15, 2017 Maven News Worth Noting

The deadline for applications for Prop 1 funds were due to the Water Commission yesterday. Here are three of the projects vying for funding, but do note that these are not the only projects that will be applying.

### **Offstream storage project in Northern California takes critical step forward**

#### **Submittal of application to the California Water Commission for Prop 1 funds and release of draft environmental review documents**

The Sites Project Authority (Authority) today has submitted its application to the California Water Commission for Proposition 1 Water Storage Investment Program (WSIP) funding for the Sites Reservoir Project. This important milestone marks substantial project momentum, as demonstrated by the over 170 organizations, agencies, businesses and elected officials that support the project. Representing labor, business, water and agricultural interests, and various local and statewide agencies, as well as several cities and counties, this diverse coalition views Sites as a viable, modern solution to securing statewide water supplies while benefiting critical ecosystems.

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president and Colusa County Supervisor Kim Dolbow Vann. "Submittal of our Prop 1 application, and release of the draft environmental documents, advances this critical project one step closer to construction, securing water sustainability and benefiting California's economy and environment."

"With the release of these documents as well as the extensive work already performed, the Sites Project Authority is well-positioned to request funding for the project under Proposition 1. Reclamation is pleased to provide technical assistance towards that effort, and proud of our partnership with the Sites Project Authority," said Mid-Pacific Regional Director David Murillo.

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1:00 p.m. – 3:00 p.m.

The Draft EIR/EIS and more information about the environmental review process can be found online at: <https://www.sitesproject.org/environmental-review/>. For questions about the Sites Project or public meetings please contact: Janet Barbieri, Sites Project Authority, at 530-919-9306.

To view the complete Sites Prop 1 WSIP application, visit: <https://www.sitesproject.org/environmental-review/wsip-application/>, and Reclamation's Draft Feasibility Report is located here: <https://www.sitesproject.org/information/FeasibilityReport>.

## CALIFORNIA

**Bill aims to tax drinking water***The money would go to improving delivery systems and cleaning contaminated water*

By Katy Murphy, August 27, 2018

**SACRAMENTO** » For the first time, Californians would pay a tax on drinking water, 95 cents per month, under legislation to fix hundreds of public water systems with unsafe tap water — a problem that's most pervasive in rural areas with agricultural runoff.

Senate Bill 623, backed by a strange-bedfellows coalition of the agricultural lobby and environmental groups but opposed by water districts, would generate \$2 billion over the next 15 years to clean up contaminated groundwater and improve faulty water systems and wells.

"My message is short and direct: We are not Flint, Mich.," coauthor Sen. Robert Hertzberg, D-Van Nuys, said at a Wednesday rally outside the Capitol, where demonstrators held signs reading "Clean water is not a luxury" and "Water is a human right."

Many Californians are more aware of the crisis in Flint — where state and local officials in 2015 told residents about lead contamination in the drinking water after claiming it was safe to drink — than about the water problems in their home state, said the measure's main author, state Sen. Bill Monning, D-Monterey.

He called it "a pivotal time in our state's history to do the right thing."

SB623 has been moving through the Legislature for months, but it was amended Monday to include the tax on water for both homes and businesses. It also imposes taxes on farms and dairies, roughly \$30 million annually, to address some of the contamination caused by fertilizers and other chemicals. Because it includes new taxes, the proposal will need a two-thirds vote in each house to pass, which supporters concede will be a battle.

Still, Monning has been able to forge the unusual alliance of farmers and environmental groups, which rarely agree on public policy. He also has the support of at least one Republican lawmaker: Sen. Andy Vidak, a cherry farmer who said his Central Valley district — which includes Hanford, Fresno and Bakersfield — is the epicenter of the drinking water problem.

"This is very, very important to my constituents," he said after the rally as some demonstrators began chanting on the Capitol steps. "This is one of the most important things in my district."

But water agencies say taxing drinking water sets a dangerous precedent and that the bill would turn them into state tax collectors.

"Water is essential to life. Should we tax drinking water? We don't think so," said Cindy Tuck, a spokeswoman for the Association of California Water Agencies.

Sue Stephenson, a spokeswoman for the Dublin San Ramon Services District, said she supported the intent of the proposal — potable drinking water for all — but argued that lawmakers should use the money in existing coffers.

"The whole purpose of the general fund is to help take care of disadvantaged communities," she said. "There's no reason that they could not also fund communities that need access to drinking water."

Marie Barajas of San Jose had a similar reaction. "That's not fair. We're not responsible for that," she said. "That's why we pay taxes."

Monning, however, argues that the general fund isn't a reliable funding source and that the proposed tax on households, amounting to roughly \$11.40 per year, is negligible. "You're not going to notice it on your water bill," he said.

The bill is now relegated with hundreds of others in the "suspense file" of the Assembly Appropriations Committee. The panel must decide by Sept. 1 to move it to the Assembly floor for a vote.

Selerina Chavez took a day off from work to drive from the Kern County city of Arvin for the rally. She said she hoped lawmakers would try to fix the problem posing health risks to her family and her neighbors, many of whom are farm workers or living on fixed incomes.

When she moved from Ventura County more than 20 years ago, she said, it never occurred to her that the water would be unsafe for her family to drink. They drank it for years, she said, before she learned a few years ago that it contained unsafe levels of arsenic.

"I thought about my children," she said in Spanish. "How many years have we been drinking this water?"

In addition to her regular water bill, she spends \$40 per week buying drinking water. She also buys water for cooking.

Now, she said, "I have three water bills."

## LAKE ELSINORE

### Water meters worth watching

*More than 37,000 households and businesses can see daily use*

By Michael J. Williams, August 27, 2017

Tens of thousands of customers in the Elsinore Valley Municipal Water District will be able to detect leaks quickly — as well as monitor and regulate water use — through advanced technology coming to their water meter.

The district hired Professional Meters Inc. to install devices known as meter transmission units, manufactured by Aclara Technologies, in more than 37,000 households and businesses. The district encompasses Lake Elsinore, Wildomar, Canyon Lake, northern Murrieta, Lakeland Village and Temescal Valley.

“This allows customers to go online and view their water usage,” Elsinore Valley Community Affairs Supervisor Bonnie Woodrome said of the devices.

Wildomar resident William Perry, whose home has been equipped with a transmission unit, said he welcomed the innovation.

“I was real excited about it because I have an older home and I’ve had water leaks and water damage,” he said. “I would just appreciate being notified if my water is going over the (normal) use level. ... I would know something is wrong rather than wait until I have water damage, like I did before.”

While branded by the district as advanced metering, the devices are actually attachments that are wired to existing meters outside of homes. Professional Meters field technicians can install them in about 15 minutes, and the work does not require customers to be present.

Several times a day, the units transmit water-use data over a radio signal to district headquarters. “As far as our customers, they’re able to log in and review the information,” Woodrome said. “Our customer service representatives have an excellent idea of how water is being used. They can tell a customer, ‘Your water was running at 5 a.m., so maybe you have a leak.’” She said reactions to date have been overwhelmingly positive.

“Everyone we have been able to speak with has been happy to access that information,” Woodrome said. “It gives the customers a lot more control over their water usage.”

Some customers, she said, have voiced concerns about the use of radio frequencies in transmitting the information.

Amy Czajkowski, a consultant with Capital Construction who performs program management for the district, said the Aclara devices have been vetted by government organizations and certified as safe. The signals operate on frequencies well below government limits and take only a fraction of a second four times daily.

“It stays dormant most of the day,” she said.

Through last week, Professional Meters had installed about 60 percent of the devices, Professional Meters field manager Joe Zikan said at one of the job sites in Murrieta. The company expects to finish them all by the year’s end.

The project cost the district \$8 million, which is being funded by \$5.1 million in grant money and \$2.9 million in low-interest loans. The district expects the technology to save 391 million gallons and nearly \$1.2 million per year.

Elsinore Valley is among numerous agencies that are introducing advanced metering systems, said Daria Yegorova, who works with Czajkowski in program management.

“Everybody is converting,” she said.

The Elsinore Valley Municipal Water District will be installing nearly 40,000 meter transmission units like this in homes in the region.

## Viewpoint: New water tax wrong way to fund clean water for all

Kathleen Tiegs and Brent Hastey, Special to The Desert Sun, Aug. 31, 2017

While we all agree on the good intentions of SB 623 to assist disadvantaged communities with accessing safe drinking water, we can't agree on imposing the first-ever statewide tax on water bills of California homes and businesses.

Local, public water agencies are committed to providing safe and reliable water, and we understand the severity of the problem and the need for solutions. However, taxing Californians' drinking water is not the right approach for addressing this issue.

This is ultimately a public health and social issue that takes focused leadership on the state level, with local water agencies doing their part to assist the effort and make solutions a reality.

Taxing Californians for something that is essential to life does not make sense, especially at a time when some are raising concerns about the affordability of water; imposing a regressive tax has a bigger impact on families just above low-income thresholds. Adding a statewide tax to local water bills is just not sound policy.

Furthermore, the process through which this tax has been proposed is also problematic. Proponents say they have been negotiating for months, but the tax was amended to this bill just a week ago. Not only did this preclude the public and stakeholder groups from examining the tax and weighing in, but it also prevented proper vetting before all applicable committees. This is a major change to taxation and water policy that warrants thorough policy committee debate and discussions.

To impose a statewide tax on Californians' water bills would turn local water agencies into taxation entities that send money to Sacramento. Funds would be collected then sent to the state with no benefit to these local water ratepayers.

Also concerning is the fact that this tax would be precedent setting. It opens the door to future taxes on water customers to solve other statewide problems into perpetuity, further eroding the affordability of water.

The water community has been actively engaged in developing effective solutions and offering sensible funding approaches for years on this issue and we think there is a better approach.

ACWA supports funding safe drinking water solutions for disadvantaged communities with General Fund dollars, packaged together with ongoing federal safe drinking water funds, general obligation bond funds, and the new agriculture-proposed assessment related to nitrates in groundwater.

This would mimic the way the state pays for other important programs and initiatives that have been identified as statewide priorities, like public health, housing and disability services, and other programs that serve and protect residents and communities in need.

The best way our state can help our most vulnerable communities access safe drinking water is by raising this issue to the same priority level as other critical public health and social issues, and that means making a general fund solution a reality. A solution California's water community fully supports.

*Email ACWA President Kathleen Tiegs, who serves on the Cucamonga Valley Water District board, at [KathyT@cvwdwater.com](mailto:KathyT@cvwdwater.com). Email ACWA Vice President Brent Hastey, who serves on the Yuba County Water Agency board, at [bhastey@gmail.com](mailto:bhastey@gmail.com).*



**DESERT WATER AGENCY**  
**OUTREACH & CONSERVATION**  
**ACTIVITIES**  
**AUGUST 2017**

**Activities:**

8/01/17	The Legislative Committee and staff hosted a meeting with Riverside County Board Supervisor Manuel Perez.
8/03/17	Ashley Metzger was on a live segment with KESQ on Whitewater safety.
8/03/17	Ashley Metzger was interviewed on the Joey English radio show.
8/08/17	Ashley Metzger attended and presented to SunUp Rotary Palm Springs.
8/10/17	Vicki Petek did a ride along on a commercial water audit with CVWD.
8/10/17	Ashley Metzger and Eddie Gonzalez conducted a commercial water audit of Via Isla HOA.
8/10/17	Ashley Metzger was interviewed by John McMullen regarding the water rights lawsuit.
8/10/17	Ashley Metzger was on a live segment with KESQ on additional funding allocation for the Turf Buy Back program.
8/11/17	DWA provided water coolers, cups and bottles to the KCLB 93.7 live broadcast at Palm Springs Animal Shelter promoting Water Breaks.
8/14/17	Ashley Metzger and Vicki Petek conducted a commercial water audit of Wyndham WorldMark Palm Springs.
8/17/17	Ashley Metzger was on a live segment with KESQ on hot water.
8/17/17	Ashley Metzger and Mark Krause attended the Hot August Networking Night Bowling for DVBA.
8/19/17	Ashley Metzger attended and provided water and giveaways at Palm Springs Animal Shelter's Clear the Shelter event.
8/21/17	Ashley Metzger and Vicki Petek attended and provided water and giveaways at the Palm Springs Library solar eclipse viewing event.



8/24/17 Ashley Metzger was on a live segment with KESQ on water sampling.

8/24/17 Ashley Metzger was interviewed by KESQ on Whitewater.

8/24/17 Ashley Metzger attended the KGX and KWCY mixer.

8/31/17 Ashley Metzger was on a live segment with KESQ on pipeline replacement updates.

8/31/17 Ashley Metzger was interviewed on the Joey English radio show.

**Public Information Releases:**

August 08, 2017 – Media release & website – 10 States Plus Four Major Organizations Step in to Support Local Water Agencies in Groundwater Rights Lawsuit.

August 08, 2017 – Website – Rebate funding is available.

August 09, 2017 – Nextdoor – Work on Sunny Dunes Road.

August 18, 2017 – Nextdoor – Conservation rebates available.

August 21, 2017 – Media release & website – Whitewater Replenishment Hits Milestone, Agencies replenish 200,000 plus acre-feet of imported water.


**Water Conservation Reviews:**

Canyon Vista	Rim Crest
Elmer's Pancake & Steakhouse	Sagewood Condos
Golden Sands Mobile Park	Sunrise Square
New Mesquite Condos	

Water Conservation Reviews are annual mailings sent to large water users. The Reviews include a 5-year consumption report, facility map, and information brochures. The purpose is to help customers save water by summarizing their consumption, and offering suggestions for reducing usage. Occasionally, after viewing, the recipient may contact DWA for assistance in the form of a Mobile Lab Evaluation.



Audience Overview

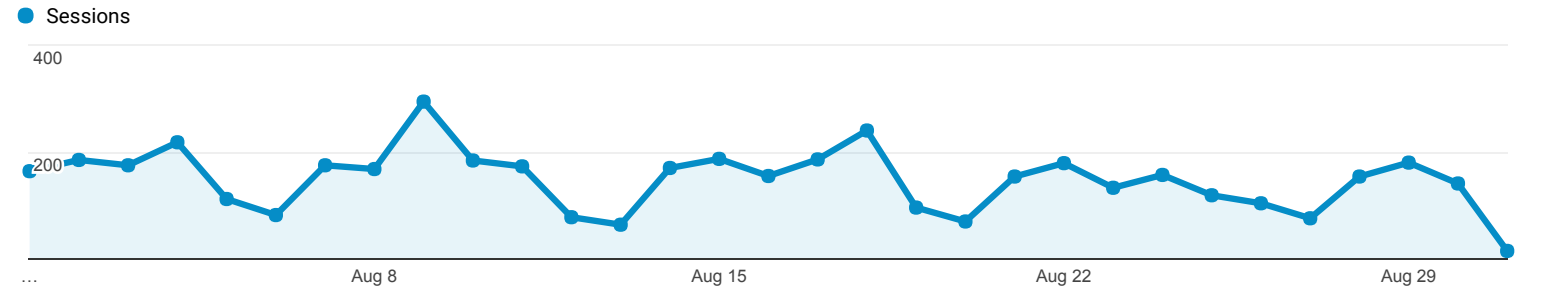


All Users

100.00% Sessions

Aug 1, 2017 - Aug 31, 2017

Overview



Sessions

4,588

Users

3,580

Pageviews

10,545

Pages / Session

2.30

Avg. Session Duration

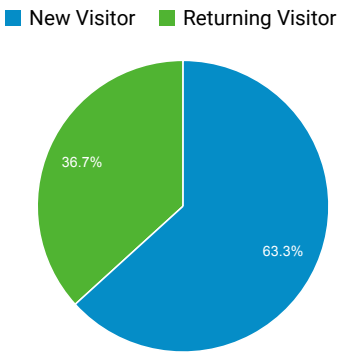
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Bounce Rate

40.71%

% New Sessions

63.25%



Language		Sessions	% Sessions
1.	en-us	4,408	96.08%
2.	en-gb	58	1.26%
3.	en-ca	33	0.72%
4.	ko	26	0.57%
5.	es-419	11	0.24%
6.	c	4	0.09%
7.	en	4	0.09%
8.	es	4	0.09%
9.	es-xl	3	0.07%
10.	fr-fr	3	0.07%



DESERT WATER

## Desert Water Agency Facebook Analytics August 2017

### Actions on Page

August 3 - August 30

1

Total Actions on Page ▼75%



### Page Views

August 3 - August 30

67

Total Page Views ▲0%



### Page Previews

August 3 - August 30

33

Page Previews ▼8%



### Page Likes

August 3 - August 30

9

Page Likes ▼31%

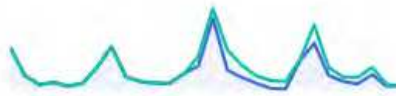


### Reach

August 3 - August 30

7,676

People Reached ▲18%



### Post Engagements

August 3 - August 30

1,031

Post Engagement ▼3%



### Videos

August 3 - August 30

1,453

Total Video Views ▼12%



### Page Followers

August 3 - August 30

9

Page Followers ▼31%





Published	Post	Type	Targeting	Reach	Engagement	Promote
08/30/2017 6:54 pm	 Desert Water Agency shared CV Water Counts's post.			25 	2 0 	<a href="#">Boost Post</a>
08/30/2017 4:11 pm	 Like you, we're still feeling #Dog DaysOfSummer. We were lucky			98 	2 3 	<a href="#">Boost Post</a>
08/25/2017 8:22 am	 Stay hydrated this weekend. Drink water before you go outside a			1.2K 	20 30 	<a href="#">View Results</a> Boosted: \$10.00
08/24/2017 9:17 am	 #nationalwaffleday			228 	2 5 	<a href="#">Boost Post</a>
08/23/2017 3:50 pm	 #DogDaysOfSummer are almost over but you should still keep pet			2.3K 	76 91 	<a href="#">View Results</a> Boosted: \$10.00
08/16/2017 4:00 pm	 This is a great accomplishment f or a local player. The Seahawks			87 	3 1 	<a href="#">Boost Post</a>
08/16/2017 3:41 pm	 Hershey's as sweet as his name. He's an 8-year-old mix who'll			2.6K 	71 109 	<a href="#">View Results</a> Boosted: \$10.00
08/15/2017 5:04 pm	 We're here to help you save!			1.6K 	27 14 	<a href="#">View Results</a> Boosted: \$35.00
08/15/2017 2:03 pm	 Our community used 11% less water last month than in July of 20			306 	8 7 	<a href="#">Boost Post</a>
08/09/2017 4:28 pm	 Daphne is the perfect personal trainer. She'll work out by your side			2.4K 	52 298 	<a href="#">Boost Post</a>
08/08/2017 4:36 pm	 We've just about finished work in our first area of summer 2017 Pa			184 	15 9 	<a href="#">Boost Post</a>
08/04/2017 9:56 am	 Desert Water Agency shared Gardening Australia's video.			268 	23 5 	<a href="#">Boost Post</a>
08/03/2017 7:58 am	 Desert Water Agency shared Palm Springs Police Department, C			40 	2 0 	<a href="#">Boost Post</a>
08/02/2017 3:57 pm	 Snow in Palm Springs during #DogDaysOfSummer?! Come adopt			1.9K 	74 67 	<a href="#">Boost Post</a>
08/01/2017 11:16 am	 Hit snooze on sprinklers after the storm last night. Better yet, get			362 	4 6 	<a href="#">Boost Post</a>





Total Page Likes as of Today: 1,022



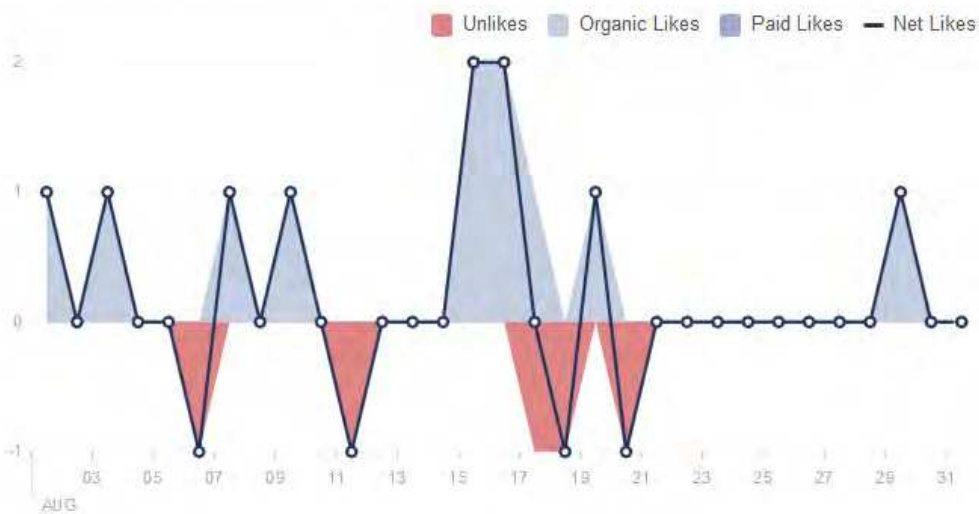
#### BENCHMARK

Compare your average performance over time.

Total Page Likes

#### Net Likes

Net likes shows the number of new likes minus the number of unlikes.



#### BENCHMARK

Compare your average performance over time.

Unlikes

Organic Likes

Paid Likes

Net Likes

#### WANT MORE LIKES?

Create an ad to get more people to like your Page.

Promote Page



DESERT WATER

TWEETS 1,129 FOLLOWING 1,511 FOLLOWERS 941 LIKES 432 MOMENTS 0

Desert Water Agency  
Twitter Analytics  
August 2017

Aug 2017 • 30 days so far...

#### TWEET HIGHLIGHTS

##### Top Tweet earned 832 impressions

Waffle today - just not on saving water.  
#NationalWaffleDay  
pic.twitter.com/jZvUYQy9VJ



1 retweet 2 likes

View Tweet activity

View all Tweet activity

##### Top Follower followed by 130K people



##### Marketing Apes

@MarketingApes FOLLOWING YOU

ROI Focused Data Driven #Digital #Marketing  
#Team. #SEO #SEM #Social #Affiliate Management  
Services. We'll go bananas for your business.

View profile

View followers dashboard

##### Top mention earned 19 engagements



##### Ian James

@TDSIanJames · Aug 21

After California's wet winter, @CVWD &  
@DWAwater say they expect to put more  
water into the aquifer than people will use  
this year #cawater twitter.com/cvwd  
/status/89...

3 retweets 9 likes

View Tweet

##### Top media Tweet earned 702 impressions

🐕 In need of a workout buddy? Daphne  
may be your match! She's a 3YO mix  
@PSAnimalShelter. RT to help find her a  
home. #DogDaysOfSummer  
pic.twitter.com/XHiRHp93b5



Meet gorgeous Daphne

Daphne is an athletic, fun and smart 3 year old bully breed mix ready for her perfect  
home. She would prefer to be an only dog with humans who wants to go hiking, biking

5 retweets 1 like

View Tweet activity

View all Tweet activity

#### ADVERTISE ON TWITTER

##### Get your Tweets in front of more people

Promoted Tweets and content open up  
your reach on Twitter to more people.

Get started

#### AUG 2017 SUMMARY

Tweets

45

Tweet impressions

10.1K

Profile visits

386

Mentions

15

New followers

16